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JOURNAL  
OF THE  
CONVENTION  
OF THE STATE OF MISSISSIPPI,  
AND  
THE ACT CALLING THE SAME;  
WITH THE  
CONSTITUTION OF THE UNITED STATES,  
AND  
WASHINGTON'S FAREWELL ADDRESS.

---

PUBLISHED BY ORDER OF THE CONVENTION.

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1851.





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Journal of the Convention

# JOURNAL OF THE CONVENTION

OF THE

## STATE OF MISSISSIPPI.

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*Convened at the Capitol, in the City of Jackson, on Monday, the 10th day of November, in the year of our Lord one thousand eight hundred and fifty-one, and of the Independence of the United States of America the seventy-sixth, in pursuance of "an act" of the Legislature of said State, entitled "An Act to provide for a Convention of the People of the State of Mississippi," approved November 30th, 1850.*

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MONDAY, NOVEMBER 10TH, 1851.

At twelve o'clock, M., Stephen Adams, a delegate elect from the county of Monroe, called the Convention to order, and

On his motion, William A. Lake, a delegate elect from the county of Warren, was called to the chair.

On motion of James Alexander Ventress, of Wilkinson, Fleming L. Swann was appointed Secretary, pro tem.

On motion of Mr. Cobb, of Lowndes, the Secretary was requested to call the roll of Delegates, by counties.

Whereupon the roll being called, and a quorum appearing.

On motion of Mr. Johnston, of Hinds, the Convention proceeded to the election of a President, under the direction of Mr. Huie and Mr. Adams, as tellers.

Mr. Scruggs, of Marshall, placed in nomination Mr. Cornelius Carmack, of the county of Tishomingo.

Mr. Johnson, of Warren, proposed the name of William A. Lake, of Warren.

Mr. Jones, of Franklin, nominated James A. Ventress.

Mr. Adams, nominated William L. Sharkey, of Hinds.

Mr. Robertson, of De Soto, nominated J. W. C. Watson, of Marshall.

Mr. Hurst, of Amite, nominated Patrick Henry, of Madison.

Messrs. Sharkey, Watson, Ventress and Henry, having declined,

the Convention proceeded to the election, by ballot, and the tellers reported the following as the result :

For Cornelius Carmack 61 votes; William A. Lake 11, do.; Wiley P. Harris 2, do.; William R. Cannon 11, do.; William L. Sharkey 1, do.; Stephen Adams 2, do.; James Alexander Ventress 1, do.

Mr. Cornelius Carmack having received a majority of all the votes,

It was announced by the Chairman that he was duly elected; and having been conducted to the chair by Messrs Lake and Adams, he addressed the Convention as follows :

#### GENTLEMEN OF THE CONVENTION :

Be pleased gentlemen, to accept my most grateful acknowledgments for the rich tribute of respect, just paid by you, to the patriotic citizens of the county which I have the honor in part to represent, and be assured, that I hazard nothing when I say to you, that your generosity will be duly appreciated by them, the more especially when they take into consideration, the evident fact, that your liberality is manifested through the promotion of the most humble individual of their delegation.

I have not a sufficient stock of vanity, to persuade myself, that I shall be competent upon all occasions, to discharge the duties of the dignified station to which I have been called by your partiality in strict conformity to the most approved parliamentary usages, but, I promise you that I will discharge those duties, to the utmost of my very humble capacity, without favor to either person or party.

My conviction of your intelligence, renders it unnecessary that I should offer a single suggestion in relation to the propriety and importance of calmly, dispassionately and deliberately investigating the grave subject or subjects which may demand the attention of the Convention, with an eye single to the advancement of the interests of the State of Mississippi, and to the good of our common—our whole country.

On motion of Mr. Ventress,

The Convention proceeded to the election of a Secretary.

Mr. Sharkey nominated Fleming L. Swann, of Hinds county, and

No other person having been put in nomination, Mr. Ashe moved that he be elected by acclamation, which was decided in the affirmative.

On motion of Mr. Johnson, of Warren, the vote was reconsidered, and the Convention proceeded to the election, by ballot, under the direction of the same tellers.

Upon counting the ballots, it appeared that Fleming L. Swann had received 78 votes; and that Mr. Russell had received 8 votes.



Mr. Swann having received a majority of the votes, was declared by the President, duly elected Secretary of the convention.

On motion of Mr. Clark,

*Resolved*, That the Secretary be authorised to appoint such number of Clerks as the President of the Convention may deem necessary.

On motion of Mr. Johnson, of Warren, the several Reporters for newspapers present, were permitted to seats within the Bar of the House.

On motion of Mr. Adams. the Convention proceeded to the election of a Doorkeeper, *viva voce*.

Mr. Ventress nominated C. M. Waldron, and the vote being taken, he was declared duly elected.

On motion of Mr. Johnston, of Hinds,

*Resolved*, That this Convention proceed to the election of a Sergeant-at-arms, *viva voce*.

Mr. Johnston, of Hinds, nominated D. M. Wilkinson, and no other person being proposed, the vote was taken and resulted as follows: for D. M. Wilkinson 78 votes; Mr. Craft 8 do.

Mr. Wilkinson having received a majority of all the votes, was declared elected Sergeant-at-Arms.

On motion of Mr. Collins,

*Resolved*, That the rules adopted by the Lower Branch of the State Legislature, for the government of that body, be, and are hereby adopted, so far as the same are applicable to govern the proceedings of this Convention.

On motion of Mr. Lake, the Convention proceeded to the election of a Printer, *viva voce*.

Mr. Johnston, of Hinds, proposed the name of Thomas Palmer, and there being no other nomination made, the vote was taken and resulted as follows:

Those who voted for Tho's Palmer were, Mr. President, Messrs Adams, Ashe, Banks, Barksdale, Billups, Butler, Boatner, Bailey, Burrus, Champlin, Clark, Cobb, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Dabney, Davis, Evans of Chickasaw, Evans of Lauderdale, Easterling, Edwards, Fox, Foote, Griffin, Gwin, Garner, Golladay, Hurst, Huff, Hemingway, Hart, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Warren, Jones of Madison, Jones of Pontotoc, Jones of Tippah, Kinyon, Lowry, Lake, Montgomery, Myers, Muse, McMurran, McLeod, McAllum, McDonald, McDowell, Niles, Purdom, Phillips, Powe, Robertson, Rankin, Sawyer, Scruggs, Sharkey, Snedecor, Stovall, Sullivan, Veazie, Vick, Vaughan, Ventress, Watson of Marshall, Watson of De Soto, Wells, Williams, Wilson of Claiborne and Wilson of Pontotoc—77.

Those who voted for Messrs J. G. & J. B. Morey were, Messrs Cherry and Jones of Franklin—2.

Those who voted for Messrs Barksdale & Jones were, Messrs Cannon, Connelly, Miller and Scales—4.

Mr. Palmer having received a majority of all the votes, was declared by the President, duly elected.

Mr. Duncan, of Tishomingo, submitted the following resolution, which was adopted :

*“ Resolved, That, this Convention do now proceed to elect a Committee to consist of Thirteen members, three from each Congressional District, and one for the State at large as chairman of the same, to consider and report resolutions or preamble and resolutions for the consideration of this Convention.”*

On motion of Mr. Adams, the Convention adjourned until 3 o'clock, P. M.

### 3 O'CLOCK P. M.

The Convention met pursuant to adjournment.

Mr. Cobb offered the following resolution :

*Resolved, That, in order duly to organise this Convention, the Secretary be directed to call, alphabetically, the names of Members elect from each county of the State, who at the same time, shall present their certificates of election according to law, and make oath or affirmation to support the Constitution of the United States.*

But, before the question was taken, Mr. Clark offered the following amendment :

Amend by striking out all after the word resolved, so as to read, *“That a Committee on Elections, to consist of five members, be appointed, and that the Delegates present to the Chairman of said Committee, their Credentials of Election.”*

Which was lost.

The question was then taken on the adoption of the resolution offered by Mr. Cobb, and decided in the affirmative.

Whereupon, the roll being called, the following gentlemen presented their credentials and took the oath proposed in the resolution, to-wit :

From the county of Adams, John T. McMurran and James H. Veazie.

Amite, David W. Hurst and W. L. Huff.

Attala, Samuel N. Gilliland and Jason Niles.

Bolivar, Wm. Vick.

Carroll, Collins F. Hemingway, Samuel Hart and Isaac Sullivan.

Chickasaw, J. T. Griffin and T. S. Evans.

Choctaw, George Huie and Thomas Fox.

Claiborne, William S. Wilson.

Copiah, Robert Miller and Frank Sturges.

Clark, Allen McLendon.

De Soto, J. C. N. Robertson, J. J. Williams and Samuel Watson.

- From the county of Franklin, James N. Jones.  
 Green, Norman McLeod.  
 Hancock, Robert Montgomery.  
 Hinds, W. L. Sharkey, Amos R. Johnston and G. G. Banks.  
 Holmes, Wilson A. Purdom and James M. Gwin.  
 Harrison, William A. Champlin.  
 Itawamba, George W. Stovall, John F. Duncan and Drury  
 Sawyer.  
 Issaquena, William T. Lowry.  
 Jasper, William P. Cherry.  
 Jefferson, Charles Clark.  
 Jones, John Easterling.  
 Kemper, William R. Vaughan and Duncan P. McAllum.  
 Lafayette, Isaac A. Duncan and William Hale.  
 Leake, David S. McDonald.  
 Lauderdale, Sylvanus Evans and William L. Cole.  
 Lawrence, Wiley P. Harris.  
 Lowndes, Joseph B. Cobb, William Barksdale and Thomas C.  
 Billups.  
 Madison, Patrick Henry and Montfort Jones.  
 Marion, William J. Rankin.  
 Marshall, John W. C. Watson, Phineas T. Scruggs and Richard  
 Phillips.  
 Monroe, Stephen Adams and James A. Butler.  
 Neshoba, James L. Backstrom.  
 Newton, John H. Wells.  
 Noxubee, George H. Foote and Anderson W. Dabney.  
 Octibbeha, William R. Cannon.  
 Perry, P. J. Myers.  
 Pike, Thomas J. Connelly.  
 Pontotoc, Jefferson Wilson, James C. Jones and Benjamin S.  
 Edwards.  
 Rankin, Joseph McDowell.  
 Scott, Seaborn J. Smith.  
 Simpson, Henry Sturges.  
 Smith, Samuel Keown.  
 Sunflower, W. N. Scales.  
 Tallahatchie, James S. Bailey.  
 Tippah, Orlando Davis, Benjamin Collins, John Boatner and  
 Stephen B. Jones.  
 Tishomingo, William L. Duncan, William H. Muse, Benjamin  
 N. Kinyon and Cornelius Carmack.  
 Warren, William A. Lake and William H. Johnson.  
 Wayne, Samuel H. Powe.  
 Wilkinson, James Alexander Ventress.  
 Winston, George G. Snedecor and John C. Holmes.  
 Yalobusha, John B. Ashe, Samuel R. Garner and R. H. Golladay.  
 Yazoo, Phillip J. Burrus and Daniel A. James.



Mr. McDowell then offered the following resolution, to-wit:

*Resolved*, That, this Convention do now adjourn *sine die*.

And the question being taken thereon, by yeas and nays, it was decided in the negative, as follows:

Those who voted in the affirmative were, Messrs. Backstrom, Cherry, Cannon, Connelly, Cole, Easterling, Gilliland, Hurst, Harris, Jones of Madison, Keown, McLendon, McLeod, McAllum, McDowell, Niles, Purdom, Scales, Smith, Sturges of Simpson, Vaughan and Wells—22.

Those who voted in the negative were, Mr. President, Messrs. Adams, Ashe, Banks, Barksdale, Billups, Butler, Boatner, Bailey, Burrus, Champlin, Clark, Cobb, Collins, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Dabney, Davis, Evans of Lauderdale, Evans of Chickasaw, Edwards, Fox, Foote, Griffin, Gwin, Garner, Golladay, Huff, Hemingway, Hart, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Warren, Jones of Franklin, Jones of Pontotoc, Jones of Tippah, Kinyon, Lowry, Lake, Miller, Montgomery, Myers, Muse, McMurrin, McDonald, Phillips, Powe, Robertson, Rankin, Sawyer, Scruggs, Sharkey, Snedecor, Stovall, Sturges of Copiah, Sullivan, Veazie, Vick, Ventress, Watson of Marshall, Watson of De Soto, Williams, Wilson of Claiborne and Wilson of Pontotoc—70.

On motion of Mr. Johnson, of Warren, the Convention adjourned until 10 o'clock to-morrow morning.

## TUESDAY, NOVEMBER 11, 1851.

The Convention met pursuant to adjournment, and its deliberations opened with prayer by the Rev. Mr. Walker, of Jackson.

Mr. Caruthers, the delegate elect from the county of Tunica, presented his credentials, was qualified and took his seat.

On motion of Mr. Phillips,

*Resolved*, That the President of the Convention, be requested to inform the Ministers of the different religious denominations of this place, that it would be highly acceptable to the members of this Convention, to have one of them each day, to open our proceedings with prayer.

On motion of Mr. Adams, the Convention proceeded to the election of a chairman of the Committee of Thirteen, pursuant to the resolution previously adopted.

Mr. Adams placed in nomination J. A. Ventress, of Wilkinson county.

There being no other nomination, on motion of Mr. Johnson, of Warren, Mr. Ventress was declared elected by acclamation.

On motion of Mr. Adams, the Convention took a recess of one hour.

The recess having expired, the Convention resumed its session. Owing to indisposition, Mr. Caruthers was granted leave of absence.

On motion of Mr. Adams, the Convention proceeded to the election of the Committee of Thirteen.

Mr. Duncan, of Tishmoingo, for the first district, nominated Messrs. Davis of Tippah, Wilson of Pontotoc and Watson of Marshall.

Mr. Huie, for the second district, nominated Messrs. Hemingway of Carroll, Cobb of Lowndes and Cannon of Oktibbeha.

Mr. McDowell, for the third district, nominated Messrs. Wm. L. Sharkey of Hinds, Samuel L. Gilliland of Attala and Wm. H. Johnson of Warren.

Mr. Wilson, of Claiborne, for the fourth district, nominated Messrs. McMurran of Adams, Harris of Lawrence and Champlin of Harrison.

On motion of Mr. Adams, the several nominees were elected by acclamation unanimously.

On motion of Mr. Huie,

*Resolved*, That, the committee of thirteen, be requested to report to this Convention at the earliest possible period.

Mr. Dabney offered the following resolution, to-wit:

*Resolved*, That, all resolutions, memorials and petitions, that any delegate may desire to present, be offered in Convention, and referred to the committee of thirteen.

Pending the question on said resolution, Mr. Hurst moved that the Convention adjourn until 12 o'clock to-morrow, which motion did not prevail.

On motion of Mr. Johnson, of Warren, the Convention adjourned until 10 o'clock to-morrow morning.

### WEDNESDAY, NOVEMBER 12TH, 1851.

The Convention met pursuant to adjournment, and its deliberations opened with prayer by the Reverend Meyer Lewin, of the Episcopal Church, of this city.

On motion, leave was granted to the Committee of Thirteen to retire and deliberate, and on motion of Mr. Davis, the Committee was authorised to employ a Clerk.

The question then recurred on the resolution of Mr. Dabney, pending the adjournment on yesterday.

Which, on motion of Mr. Scruggs, was laid on the table.

Mr. Garner offered the following resolution,

*Resolved*, That the Committee of Thirteen be instructed to report to this Convention, the platform adopted by the Union party of

this State on the 18th day of November 1850, and recommend its passage.

Which was on motion of Mr. Hurst, laid on the table.

Mr. Foote, offered the following preamble and resolutions, to-wit:

*Whereas*, By the recent election in South Carolina for Delegates to a Southern Congress, a decided majority of the citizens of that State have manifested feelings and principles of loyalty to the Federal Union—and whereas, said State has already elected to its State Convention, a majority of members who are in favor of secession, either jointly, with other States of the South, or separately; and

*Whereas*, This Convention, representing the will of the sovereign people of the State of Mississippi, having assembled to register their feelings of loyalty and devotion to the Union of their fathers, which a majority of the citizens of this State feel and entertain, and also, to contribute all it can to disseminate a love and devotion to the Federal Union :

*Therefore, be it resolved by this Convention*, That two Delegates be immediately elected by ballot, whose duty it shall be to proceed to the State of South Carolina, and in such manner as they may think proper, represent to the authorities of said State, the wish and desire of the State of Mississippi, that South Carolina should acquiesce in the recent compromise or adjustment measures, and remain as she has heretofore, and now is, a member of this Union.

*Resolved*, That said Delegates shall be entitled to the same mileage and *per diem* as the members of the House of Representatives.

Which was, on motion of Mr. Phillips, laid on the table—by yeas and nays, as follows :

Those who voted in the affirmative were, Messrs. Ashe, Butler, Backstrom, Boatner, Bailey, Burrus, Cherry, Connelly, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Evans of Chickasaw, Easterling, Edwards, Fox, Foote, Griffin, Gwin, Garner, Golladay, Huff, Hart, Huie, Hale, Henry, Johnston of Hinds, Jones of Madison, Jones of Pontotoc, Keown, Miller, Montgomery, Muse, McLendon, McLeod, McAllum, McDonald, McDowell, Purdom, Phillips, Powe, Rankin, Sawyer, Scales, Smith, Stovall, Sturges of Copiah, Sturges of Simpson, Sullivan, Vaughan, Wells—yeas 50.

Those who voted in the negative were, Mr. President, Messrs. Adams, Barksdale, Billups, Clark, Collins, Cole, Dabney, Hurst, Holmes, James, Jones of Franklin, Jones of Tippah, Kinyon, Lowry, Lake, Myers, Niles, Robertson, Scruggs, Snedecor, Veazie, Vick, Williams and Wilson of Claiborne—nays 25.

Mr. Sturges of Simpson moved that the Convention adjourn until 3 o'clock, which was lost.

Mr. Kinyon offered the following preamble and resolutions, to-wit :

*Whereas*, by the election of delegates by the people of this State,



in the several counties of the same, on the 1st Monday and day following in September 1851, to meet in Convention on the 2d Monday of November of the same year, to take into consideration the then existing relations between this State and the people of the same and the government of the United States, and people of the different States, in view of the "adjustment measures" or "compromises" upon the slavery and territorial questions of the 31st Congress, it is manifest that the people of the said State of Mississippi have expressed their willingness and disposition to acquiesce in said "adjustment measures" or "compromises," as a final settlement of the sectional question of slavery, and the principles in relation to the territories (though not entirely satisfied with all and every portion of said "adjustment measures" or "compromises;") and whereas, it is the opinion of this Convention, that no serious change for the worse at least, has occurred since said election, by the people, in our Federal relations, as between the government, and people of this State and the government of the United States and the people and government of the different States.—This Convention assembled in order to let the position of this State be distinctly understood by the government of the United States and the people and government of the different States of this Union, by virtue of their election aforesaid.

*Resolved, 1st,* That the people of the State of Mississippi, have manifested and entertain the most profound attachment for the Union of the States under and according to the Constitution of the United States, and amendments thereto, and will faithfully maintain and support the same, so long as the government of the United States shall be administered in accordance with said Constitution and amendments thereto, and the same shall be regarded and conformed to by the people and government of the several States of this Union.

*Resolved, 2ndly,* That the people of this State by the election aforesaid, have expressed their willingness and manifested their disposition to acquiesce in the "adjustment measures" or compromise of the 31st Congress as a final settlement of the sectional question of slavery, and the principles as regards the territories of the United States, so long as the same are duly and fully observed, continued and executed, according to the true intent and meaning of the same, and each and every of the same.

*Resolved, 3rdly,* That upon the due observance and faithful maintenance of the Constitution of the United States and amendments thereto, by the government of the same and the people and governments of the several States, and the Laws made in pursuance thereof, depends the perpetuation of the Union of the States and all the blessings resulting or to result therefrom.

Which was, on motion of Mr. Snedecor, referred to the Committee of Thirteen.

Mr. Clark offered the following resolution, and on his motion referred to the same committee :

*Resolved*, That the State of Mississippi, in the judgment of this Convention, will oppose by all Constitutional means, and in conjunction with the other Southern States, will and ought to resist, even as a last resort, to a disruption of every tie which binds her to the Union, any action of Congress upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, domestic tranquillity, the rights, and honor of the slave holding States ; or any act suppressing the slave trade between the slave holding States, or any refusal to admit as a State any territory hereafter applying, because of the existence of slavery therein, or any act prohibiting the introduction of slaves into the territories of Utah and New Mexico, or any act repealing the laws now in force for the recovery of fugitive slaves.

Mr. Scruggs, offered the following resolutions, which were also referred to the Committee of Thirteen.

*Resolved*, That the voluntary associations of our fellow-citizens of the non-slave holding States, for the purpose of agitating the subject of domestic slavery, or of enlisting either the State or Federal Legislature against it, is, in the judgment of this Convention, fraught with imminent danger to the stability of the Government, and if persisted in, will, in the opinion of this Convention, result, at no distant day, in the most serious consequences.

*Resolved*, That, in view of the unanimity and promptness with which the slave holding States have acted, in support of the late acts of Congress, known as the "adjustment or compromise measures," it is in the opinion of this Convention, the duty of the non-slave-holding States, if they intend to preserve the union of these States, and keep faith with the slave holding States, to do the same thing ; and that we cannot regard their failure to do so, otherwise than as an omen of evil.

The following resolution submitted by Mr. Veazie, was also referred to the same Committee :

*Resolved*, That the asserted right, on the part of a State, peaceably to withdraw from the Union, without denial or obstruction from any quarter whatever, is utterly unsanctioned by the Federal Constitution, and that no secession can in fact take place without a subversion of the Union established, and which will not virtually amount in its effects and consequences to a civil revolution.

On motion of Mr. Foote, the vote was reconsidered, laying his preamble and resolutions on the table.

And on his further motion, the preamble and resolutions were referred to the Committee of Thirteen.

Mr. Alcorn, the delegate elect from the county of Coahoma appeared, was qualified and took his seat.

Mr. McDowell offered the following resolution, to-wit :

*Resolved*, That upon the subject of resistance or submission to law, it is not the province of this State to attempt to influence the policy of any other State in our Union. We live under a government having power to sustain itself, and to enforce its laws,—and it is the imperative duty of all to submit, (until submission becomes a greater evil than resistance,) not to influence or persuasion, but to law.

Which was referred to the Committee of Thirteen.

On motion of Mr. Scruggs, the Convention adjourned until 3 o'clock, p. m.

3 O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Burruss,

*Resolved*, That the Committee of Thirteen be authorised and requested to have printed for the use of the Committee, their report, and such resolutions as they may recommend for adoption.

Mr. Veazie moved that the Convention adjourn until 10 o'clock on to-morrow morning. Which was lost.

Mr. Lowry moved that the Convention adjourn until 11 o'clock to-morrow. Which was lost.

Mr. Muse offered the following preamble and resolutions, to-wit:

*Whereas*, The State of Georgia, one of the original thirteen, whose Delegates in Convention formed our Federal Constitution, having recently passed through an ordeal analagous to that through which we are now passing, is entitled to due regard and a favorable consideration, by this Convention; and

*Whereas*, The resolutions passed by the Convention of the State of Georgia, have, in the main, been recognised by the unionists of every State in the Union; every propriety indicates that this Convention should adopt resolutions substantially the same, of those adopted by the Convention of the above named State:

*Therefore, be it resolved, First*, That we hold the American Union secondary in importance only to the rights and principles it was designed to perpetuate.

*Secondly*, That "present fruition and future prospects, will bind us to it so long as it continues to be the safeguard of those rights and principles."

*Thirdly*, That if the people of the thirteen original parties forming the Constitution and government of the United States of America, bordering the Atlantic in a narrow belt, while their separate interests were in embryo, their peculiar tendencies scarcely developed, their revolutionary trials and triumphs still fresh in memory, found union impossible without compromise, the thirty-one of this day, may well yield somewhat, in the conflict of opinion and policy, to preserve that Union which has extended the sway of Republican Government over a vast wilderness to another ocean, and

proportionably advanced the civilization of the people over whom it has been extended.

*Fourthly*, That in this spirit, the State of Mississippi has maturely considered the action of Congress, embracing a series of measures for the admission of the State of California into the Union, the organization of territorial governments for Utah and New Mexico, the establishment of the Boundary line between New Mexico and the State of Texas, and the suppression of the Slave Trade in the District of Columbia, and the extradition of Fugitive Slaves; and whilst she does not wholly approve, will abide by it as a permanent adjustment of this sectional controversy.

*Fifthly*, That the State of Mississippi, in the judgment of this Convention, will, and ought to resist, even (*as a last resort however*,) to a disruption of every tie that binds her to the Union, any action of Congress on the subject of Slavery in the District of Columbia, or places subject to the jurisdiction of Congress, or any action of Congress suppressing the Slave Trade between the slave holding States, or any refusal to admit as a State any territory hereafter applying for admission, because of the existence of slavery therein, or any act prohibiting the introduction of slaves into the territories of the United States, or any act repealing or materially modifying the laws now in force for the recovery of Fugitive Slaves, incompatible with the safety, domestic tranquillity, the rights, and honor of the slave holding States.

*Sixthly*, That it is the deliberate and well defined opinion of this Convention, that upon the faithful execution of, and acquiescence in, the whole of the above named measures, as other laws constitutionally passed, depends the perpetuity of our Federal Union.

*Seventhly*, That the action of this Convention, be submitted to the people at the Ballot Box for their approval or disapproval within thirty days after its adjournment.

On motion of Mr. Clark, the preamble and resolutions were referred to the Committee of Thirteen.

On motion of Mr. Barksdale, the Convention adjourned until 10 o'clock to-morrow morning.

THURSDAY, NOVEMBER 13TH, 1851.

The Convention met pursuant to adjournment, and its deliberations opened with prayer by the Rev. Mr. Henderson, of the Presbyterian church of this city.

Mr. Johnston, of Hinds, offered the following resolutions:

*1st, Resolved*, That the Printer of this Convention, prepare for distribution — copies of our Journal and proceedings, and that he attach thereto, a copy of the Act of the Legislature calling this Convention, and a copy of the Constitution of the United States.



*2nd, Resolved*, That whenever the Printer shall submit to the President of this Convention, in vacation, a Certificate of the Secretary of State, that the required number of the Journal and proceedings have been accurately and properly printed, and are in the office of said Secretary, ready for distribution, the President of the Convention shall audit and allow to said Printer, reasonable compensation for such labor, and the certificate of such allowance, by the President, shall be sufficient authority for the Auditor of Public Accounts, to issue his warrant on the Treasurer for the amount thus certified.

*3d, Resolved*, That the Journal and proceedings of this Convention, shall be distributed as follows, by the person or persons employed to distribute the Laws and Journals of the next session of the Legislature, viz: Two copies to be deposited with the Clerks of the Circuit and Probate Courts of each county in this State: — copies to be deposited with the Secretary of State, and the remainder of such copies to each member of this Convention, in equal proportion, for the use of his constituents, to be delivered to him in person, or deposited to his address with the Clerk of the Circuit Court of his county, and one copy to each of the Governors of the States composing the American Union, to be transmitted by the Governor of Mississippi.

Mr. Adams moved to amend the first resolution, by striking out the words "Constitution of the United States."

But before any action was had,

On motion of Mr. Scruggs, the resolutions with the amendment were referred to a select Committee of Three.

The Chair appointed as said committee, Messrs. Scruggs, Johnston of Hinds, and Dabney.

On motion of Mr. Barksdale,

*Resolved*, That the Chairman of the Committee of Thirteen, be requested to inform the Convention, at what time a report from the Committee may be expected.

In answer to the above resolution, the chairman of the Committee, replied as follows:

TO THE PRESIDENT OF THE CONVENTION:

*Sir*:—The Committee have instructed me to say, in reply to the resolution of the Convention, asking at what time a report might be expected from them, that the Committee hope to be able to report this afternoon.

Respectfully,

J. ALEXANDER VENTRESS, *Chairman*.

Mr. Garner, offered the following resolution

Which was, on motion of Mr. Scruggs, laid on the table:

*Resolved*, That this Convention will adjourn *sine die* at 11 o'clock to-morrow morning.

Mr. Scruggs, from the select committee, made the following report:

MR. PRESIDENT :—The select Committee, to whom was referred certain resolutions relating to the printing the Journals of this Convention, beg leave to report :

That, they have considered said resolutions, and have filled the blank in the 1st resolution, with the number 20,000, and the remaining blank in the 2d resolution, with the number 25. The Committee report back said resolutions, as amended, with a recommendation that they be adopted.

And, having fully reported, the committee pray to be discharged.

P. T. SCRUGGS, *Ch'n Com.*

Which was received.

Mr. Sturges, of Simpson, offered the following amendment to the report of the committee, to-wit :

Amend by striking out "reasonable compensation for such labor" and insert "such compensation as is now allowed by law, to the State Printers for such services."

Before the question was taken thereon,

On motion of Mr. Clark, the report and amendment was recommitted to the same committee.

Mr. Robertson, offered the following resolution :

*Resolved*, That the select committee, to whom was referred the resolutions in relation to the printing of the Journals of this Convention, be instructed to add after the words, "Constitution of the United States," the words "and the Farewell Address of Washington."

Mr. Alcorn moved to amend the resolution by striking out "Washington" and inserting "Jackson."

Before the question was taken, thereon,

On motion of Mr. Adams, the resolution and amendment was laid on the table.

On motion of Mr. Clark, a call of the House was had.

The absentees without leave, having been announced,

On motion of Mr. Adams, the call was dispensed with.

Mr. Niles, offered the following resolution,

*Resolved*, That this Convention adjourn, *sine die*, this evening at three o'clock.

Mr. Snedecor, moved to lay the resolution on the table.

Pending the question, on motion of Mr. Adams, the Convention adjourned until 3 o'clock, p. m.

3 O'CLOCK, P. M.

The Convention re-assembled pursuant to adjournment.

The question was then taken on laying the resolution of Mr. Niles on the table, pending the adjournment, and decided in the affirmative.

Mr. Scruggs, from a select Committee, made the following report :

MR. PRESIDENT :—The special Committee to whom was re-committed certain resolutions, relating to the printing of the Journals of this Convention, with the amendments proposed to said resolutions, in Convention, beg leave respectfully to report :

That, they have again investigated the subject referred to them, and on reflection, have rejected that feature of the resolutions which proposes to leave the amount of compensation for the Printer to the discretion of the President of the Convention.

In lieu of that provision, we have established the compensation of the Printer, on the basis adopted by the Legislature, for printing executed for that body.

The Committee have also provided, that the Farewell Address of Washington, be printed with the other documents mentioned in the 1st resolution.

The committee, with the view of avoiding confusion, and rendering an engrossment of the resolutions necessary, herewith present to the Convention the said resolutions in which are inserted the amendments made by the committee, and above referred to, which resolutions, the committee recommend to the Convention for adoption.

And having fully reported, the committee ask to be discharged.

1, *Resolved*, That the Printer of this Convention prepare for distribution, 20,000 copies of our Journal and proceedings, and that he attach thereto, a copy of the Act of the Legislature calling this Convention, a copy of the Constitution of the United States, and a copy of the Farewell Address of Washington.

2, *Resolved*, That, whenever the Printer shall submit to the President of this Convention, in vacation, a certificate of the Secretary of State, that the required number of the Journal and proceedings, have been accurately and properly printed, and are in the office of said Secretary, ready for distribution, the President of this Convention shall audit and allow to said Printer, compensation for such labor, at the rate established by the Legislature, by the act of January 19, 1846, for public printing, as the said act relates to printing the Message of the Governor, Reports of the Secretary of State, Auditor of Public Accounts, Treasurer of the State, Keeper of the Penitentiary, Reports of Committees, &c., &c., and issue to said Printer, his certificate of such allowance, pursuant to the act of the Legislature, calling this Convention.

3, *Resolved*, That the Journal and proceedings of this Convention, shall be distributed as follows, by the person or persons employed to distribute the Laws and Journals of the next session of the Legislature, viz : Two copies to be deposited with the Clerks of the Circuit and Probate Courts of each county in this State ; 25 copies to be deposited with the Secretary of State, and the remainder of such copies to each member of this Convention, in equal proportions, for the use of his constituents, to be delivered to him in person, or deposited to his address, with the Clerk of the Circuit

Court of his county, and one copy to each of the Governors of the States composing the American Union, to be transmitted by the Governor of Mississippi.

Mr. Adams moved to amend the report of the committee, by striking out "twenty" before thousand, which was decided in the affirmative.

Mr. Vick, moved that the blank be filled with "ten." Which was lost.

Mr. Hart, moved that the blank be filled with eight. Which was lost.

On motion of Mr. Barksdale, the blank was filled with five.

Mr. Sturges, of Simpson, moved to amend the report by striking out in the first resolution, the words "Constitution of the United States" and "Washington's Farewell Address."

A division of the question was called for, and the question was first taken on striking out the words "Constitution of the United States,"

And decided in the negative, by yeas and nays as follows :

Those who voted in the affirmative, are, Messrs. Backstrom, Cherry, Clark, Connelly, Easterling, Edwards, Golladay, Huff, Jones of Madison, Jones of Franklin, Keown, Miller, McLendon, Phillips, Scales, Smith, Sturges of Simpson, and Sturges of Copiah,—yeas 18.

Those who voted in the negative, were, Mr. President, Messrs. Alcorn, Adams, Ashe, Bailey, Banks, Barksdale, Billups, Boatner, Burrus, Butler, Caruthers, Cole, Collins, Dabney, Davis, Duncan of Lafayette, Duncan of Itawamba, Duncan of Tishomingo, Evans of Chickasaw, Evans of Lauderdale, Fox, Foote, Garner, Griffin, Gwin, Hale, Hart, Henry, Hurst, Huie, James, Johnston of Hinds, Jones of Tippah, Jones of Pontotoc, Kinyon, Lowry, Montgomery, McLeod, McDonald, McDowell, McAllum, Muse, Myers, Niles, Powe, Purdon, Rankin, Robertson, Scruggs, Sawyer, Snedecor, Stovall, Sullivan, Vaughan, Veazie, Vick, Watson of De Soto, Williams, Wilson of Claiborne, and Wells,—nays 61.

The question was then taken on the amendment, striking out the words "and Washington's Farewell Address."

Which was decided in the negative, by yeas and nays as follows:

Those who voted in the affirmative, are, Messrs. Backstrom, Cherry, Connelly, Evans of Chickasaw, Easterling, Edwards, Fox, Golladay, Huff, Hart, Jones of Madison, Jones of Franklin, Keown, Miller, McLendon, Phillips, Rankin, Scales, Smith, Sturges of Copiah, and Sturges of Simpson,—yeas 21.

Those who voted in the negative, were, Mr. President, Messrs. Alcorn, Adams, Ashe, Banks, Barksdale, Billups, Butler, Boatner, Bailey, Burrus, Clark, Caruthers, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Dabney, Davis, Evans of Lauderdale, Foote, Griffin, Gwin, Garner, Hurst, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Jones of



Pontotoc, Jones of Tippah, Kinyon, Lowry, Montgomery, Myers, Muse, McLeod, McAllum, McDonald, McDowell, Niles, Purdom, Powe, Robertson, Sawyer, Scruggs, Snedecor, Stovall, Veazie, Vick, Vaughan, Wells, Williams, and Wilson of Claiborne,—nays 57.

The question was then taken on the adoption of the first resolution as amended; and decided in the affirmative.

And the question being taken on the 2nd and 3d resolutions separately, as reported by the Committee, they were adopted.

Mr. Ventress, from the select Committee of Thirteen, made the following report:

MR. PRESIDENT:—The Committee of Thirteen, appointed by the Convention “to consider and report resolutions, or preamble and resolutions for the consideration of the Convention,” beg leave to report the following resolutions.

J. ALEXANDER VENTRESS, Ch’n.

*1st. Resolved*, That, in the opinion of this Convention, the people of Mississippi, in a spirit of conciliation and compromise, have maturely considered the action of Congress, embracing a series of measures for the admission of California as a State into the Union, the organization of Territorial Governments for Utah and New Mexico, the establishment of the boundary between the latter and the State of Texas, the suppression of the Slave Trade in the District of Columbia, and the extradition of Fugitive Slaves; and connected with them, the rejection of the proposition to exclude slavery from the Territories of the United States, and to abolish it in the District of Columbia; and whilst they do not entirely approve, will abide by it as a permanent adjustment of this sectional controversy.

*2d. Resolved*, That we perceive nothing in the above recited legislation of the Congress of the United States, which should be permitted to disturb the friendly and peaceful “existing relations between the Government of the United States and the Government and people of the State of Mississippi.”

*3d. Therefore, Resolved*, That, in the opinion of this Convention, the people of the State of Mississippi will abide by the Union as it is, and by the Constitution of the U. States without amendment.

*4th. Resolved, further*, That, in the opinion of this Convention, the asserted right of secession from the Union on the part of a State or States is utterly unsanctioned by the Federal Constitution, which was framed to “establish” and not to destroy the Union of the States, and that no secession, can, in fact, take place without a subversion of the Union established, and which will not virtually amount in its effects and consequences to a civil revolution.

*5th. Resolved, further*, That, whilst in the opinion of this Convention, such are the sentiments and opinions of the people of the State of Mississippi, still, violations of the rights of the people of the State, may occur, which would amount to intolerable oppression, and would justify a resort to measures of resistance, amongst



which, in the opinion of the Convention, the people of the State have designated the following :

1st. The interference by Congressional Legislation with the Institution of Slavery in the States.

2d. Interference with the trade in Slaves between the States.

3d. Any action of Congress on the subject of Slavery in the District of Columbia or in places subject to the jurisdiction of Congress, incompatible with the safety and domestic tranquillity—the rights and the honor of the slave-holding States.

4th. The refusal by Congress to admit a new State into the Union on the ground of her tolerating slavery within her limits.

5th. The passage of any law by Congress prohibiting slavery in any of the territories.

6th. The Repeal of the Fugitive Slave Law, and the neglect or refusal by the General Government, to enforce the Constitutional provision for the reclamation of Fugitive Slaves.

6th. *Resolved, further*, That, in the opinion of this Convention, the people in the recent elections have been governed by an abiding confidence that the said adjustment measures of Congress would be enforced in good faith in every section of the land.

7th. *Resolved, further*, That, as the people of the State of Mississippi, in the opinion of this Convention, desire all further agitation of the Slavery question to cease, and have acted upon and decided all of the foregoing questions, thereby making it the duty of this Convention to pass no acts within the purview and spirit of the law under which it was called, this Convention deems it unnecessary to refer to the people for their consideration, approval or disapproval at the Ballot Box, its action in the premises.

8th. *Resolved, further*, The Convention having declared in the foregoing resolutions, the position which the people of Mississippi have taken, and which, in the opinion of this Convention, they will continue to occupy, on the great subjects embraced in the resolutions, deems it a duty alike incumbent on us and equally important to the rights of the people to declare that, in our deliberate judgment and in their deliberate judgment, as we believe, the call of this Convention by the Legislature at its late extraordinary session, by the act of the 30th of November, 1850, was unauthorized and unnecessary, and that said act, in peremptorily ordering a Convention of the people of the State, to be held, without submitting to them to be settled by the popular vote of the State, the question whether there should be a Convention or no Convention, was an unwarranted assumption of power by the Legislature; at war with the spirit of republican institutions, and an encroachment on the sovereign power of the people.

Which, on his motion, was received.

And on motion of Mr. Niles, 500 copies were ordered to be printed for the use of the Convention.

Mr. Watson of Marshall, offered the following preamble :

WHEREAS, An act was passed by the Legislature of the State of Mississippi, on the 30th day of November, 1850, entitled "An act to provide for a Convention of the people of the State of Mississippi,"—the principal object of which act, as set forth in the 5th Section thereof, was "to consider the then existing relations between the Government of the United States and the Government and people of the State of Mississippi; and to devise and carry into effect the best means of redress for the past, and obtain certain security for the future; and to adopt such measures for vindicating the Sovereignty of the State, and the protection of its institutions, as shall appear" to said Convention to be demanded:

And, whereas, the said act of the Legislature of Mississippi, was passed with special reference to a series of acts of the Congress of the United States, commonly known as the Compromise or adjustment measures:

And, whereas, the right of a State or States, "peaceably to withdraw from the Union, without denial or obstruction from any quarter whatever," and also the question, whether the "Union of these States had been so grossly perverted from its original purposes, as to render its further continuance incompatible with the honor, the prosperity and the safety of the slave holding States, unless some correction of past aggressions, and some additional and more effectual guarantees for our future protection, be obtained from our associates in the Confederacy," and particularly, whether the State would acquiesce in the said Compromise measures of Congress, were distinctly presented to the people for their consideration, at the late elections; and the people, in their sovereign capacity, having decided at said elections in favor of the Union as it is, without insisting on further amendments to the Constitution of the United States, or additional and more effectual guarantees for their future protection,—in favor of acquiescing in the said Compromise measures of Congress,—and against the right of a State or States, peaceably to withdraw from the Union without denial or obstruction from any quarter whatever.

Which, being read, was referred to the committee of thirteen.

Mr. Cobb offered the following preamble for the consideration of the Convention:

The people of the State of Mississippi, responding to a law passed at the late extraordinary session of the Legislature, entitled "An Act to provide for a Convention of the people of Mississippi," have assembled in conformity thereto; and being required through their delegates to consider the matters contained in said Law, as touching the "existing relations between the Government of the United States, and the Government and people of the State of Mississippi," as also the proper manner to "devise and carry into effect the means of redress for the past and obtain certain security for the future, and to adopt such measures for vindicating the sovereignty of the State and protection of its institutions as shall

appear to them to be demanded," do hereby adopt the following report and resolutions, as a suitable discharge of all proper requirements of said law of the Legislature.

To proceed orderly and understandingly, we must premise by remarking that this law appears to have been enacted solely in conformity with a recommendation contained in the message of the then Governor of the State, sent into the Legislature at the opening of its late extraordinary session. The framers of the Law have even adopted and incorporated the language, word for word, employed in the Executive message alluded to, and the Convention is confined, so far as the letter of the law may confine it, strictly to acting within the bounds of the recommendations and suggestions made from the same source. The intent of the Legislature and the meaning of the Law in question, may therefore, be best understood and construed by measuring the same with the terms of the Executive message, on which said law is evidently based. It is then essentially necessary and requisite in furthering the objects of this Convention that the history of this Message should be explained and succinctly set forth, especially as it is well understood that the large majority of this body has been elected in express opposition, both to the sentiments of the Message and to the evident intent and spirit of the law.

The series of Congressional measures known as the Adjustment or Compromise bills of 1850, became laws of the land early in the autumn of that year. Soon after their passage through both Houses of Congress had been published to the nation, the then Governor of this State issued his proclamation bearing date 26th day of September, in which, as a pretext, are recited some of these measures of Congress as being "aggressive" on the rights and institutions of this State, and which convoked the Legislature in extra session, on the eighteenth day of November. The Message and its recommendations followed, were promptly acted on by the majority of that body, and the law "providing" for this Convention, in conformity with the Executive suggestion, was duly passed, approved, and published. It is not our opinion that the passage by Congress of the Adjustment bills, constituted such an "emergency" as is contemplated by the Constitution of this State, where it gives to the Governor the power to convene the Legislature in extra session. Nor are we, by any means, quite sure that the Legislature, in mere accordance with an Executive recommendation, possesses the Constitutional authority to call a popular convention and prescribe and restrict its action by law. We have been unable to find any clause in the Constitution of this State which confers such power on the Legislature, and the absence of any prohibition to that effect, carries along, in our judgment, nothing which would recognise or warrant aught else than the privilege of inviting or recommending such an assemblage, separate and apart from its legislative functions. The appropriation of

funds to meet its expenses in the event of assemblage, is all that the Legislative department could assume to do, preliminarily, in the passage of any *law* in connexion with such body. Whether the omission to incorporate such power in connexion with the Legislature, was the result of accident or design on the part of the framers of our State Constitution, is not for us to enquire or say. What we know is, that no such power is enumerated, while the Constitution is remarkable for the total absence of all general clauses whatever, except alone a single power in connexion with that to make rules for, and punish and expel members from either "branch of the Legislature." If then, having shown the absence of any such power, the then Governor of the State was right when he asserts in his message that such Convention "represents the sovereignty of the State," and the "majesty of the people" would possess "plenary powers," and is beyond the control of any "instructions or restrictions which the Legislature might interpose," it is scarcely to be conceded, we think, that this body can be legally restricted to the action as prescribed, not advised or recommended in the 5th Section of the bill to "provide for a Convention of the people of Mississippi."

But at the same time we hold, that the constituency of this body, by having conformed to the requirements of said Law, so far as it provides for an election of popular delegates to "consider the existing relations between the Government of the United States and the Government and people of the State of Mississippi," as concerns the propriety of acquiescing in or resisting certain laws of Congress, known as the Adjustment bills, by having duly elected, such delegates as therein prescribed, and by having in so far apparently ratified the call of a people's Convention, have instructed us to assemble, to organize, and without regard to any instructions, restrictions or injunctions of the Legislature, (so far as the same may have been designed by the said Law, to compel this body to any particular course of action,) to give expression to the decision and will of the people on the questions mooted in the recent Convention elections. In accordance with this view, therefore, we shall be careful to comply with the forms prescribed by the law under which we are convened, but we must protest against being held bound to act on the evident *spirit* and *intent*, not to say *injunctions* of the same. In this last event we should consider that our action had been already pre-ordered by the Legislature. The preamble to the bill clearly contemplates resistance to the action of Congress in some shape. Hostile State interposition of some sort, is clearly presupposed. It would appear to have been taken for granted that the people of Mississippi were equally hostile as the Legislature, to the General Government. This may be shown in few words.

If the "legislation of the Congress of the United States" was as it is averred in the preamble to this bill, "controlled by a dominant



majority regardless of the constitutional rights of the slave-holding States," and did as is therein declared, reflect (*only*) the will of a section whose population are *hostile* in feeling, and opposed in feeling to a long established and cherished institution of these States of the *South*," there would be truly, "alarming evidence of a settled purpose to *destroy* said institution." This would, indeed justify a "sovereign State in resorting to the most efficient means for the maintenance of its sovereignty and the preservation of its constitutional rights." Let the assertions of the preamble referred to be admitted, and we would surely agree that it would be time as the then Governor intimates in his message, for us to "look *solely* to *remedies*, not merely *palliative* but *effectual* and *permanent*," and such could only be as he again intimated "the *prompt* and peaceable *secession* of the aggrieved States." Both the preamble and its key (the then Governor's message) must have looked then, to hostile State action of some sort through this Convention—a course which the decision of the highest power recognized under our Republican Government, the expressed will of the people, has been most emphatically made known through the ballot box.

The 5th Section of the Bill itself, framed to suit the significant recitation of the preamble, as also to accord with the suggestions of the message, prescribes that the delegates elected, under its provisions "shall proceed to consider the *then* existing relations between the Government of the United States and the Government and people of the State of Mississippi, to devise and *carry into effect* the means of redress for the past and obtain certain security for the *future*, and to adopt such measures for *vindicating* the Sovereignty of the State and the protection of its institutions as shall appear to them to be demanded." This language is not to be misunderstood and does not allow of misinterpretation. It is clear that the injunctions of the law are based on "*efficient* means" (or as the message of the Governor expresses it "*effectual* and *permanent*") of resistance to the "legislation of the Congress of the United States," so broadly denounced in the preamble as being "a settled purpose on the part of said majority to destroy the institutions and subvert the sovereign power of this State." To "vindicate" does not mean merely to assert the "sovereignty of the State," because that being undenied such mere assertion would be altogether supererogatory and unseasonable as language of a *law*. The phrase means to *redeem*, to defend forcibly, to make good against objection or assault and, of course, presupposes what the preamble clearly implies, that such "sovereignty" has been actually "assailed" by the "legislation of the Congress of the United States." Nor can "redress for the past" look to any thing else than the revenging or resisting this "legislation;" while "security for the future" implies not only a wrong done by "the Congress of the United States" but evidently contemplates a "demand for concessions" as intimated in the Governor's message.



Such being the clear interpretation of the intent and spirit of the law "to provide for the convention of the people of Mississippi," we must decidedly express our dissonance with the same, as also decline to act accordantly, believing that the people of this State, have never desired and would now especially discountenance and repudiate any such action or demonstration in connexion with the "legislation of the Congress of the United States." As intimately connected with the convocation and assemblage of this body, we should deem that our duty had not been entirely fulfilled, did we fail to notice briefly, the "legislation" alluded to in the law of the extra session of our Legislature. The legislation here recited, can only refer to that portion of the adjustment measures of 1850, which embraces the bills to admit California as a State, to purchase and dispose of certain territory claimed by the State of Texas, to provide governments for the territories of Utah and New Mexico, and to prohibit, under penalty of emancipation, the introduction of slaves into the District of Columbia, for the purposes of sale or merchandize. It is this "legislation" which had been recited in the Executive proclamation, as the pretext of convening the Legislature in extraordinary session. It is the same, which subsequently was so harshly denounced in the Executive message. It is the same, which has been so extensively discussed before the constituency of this body, in common with the law "to provide for a Convention of the people of Mississippi."

If this, then, constitutes that "legislation of the Congress of the United States" denounced by the Legislature in the law which convokes this body, as having been "controlled by a dominant majority, regardless of the constitutional rights of the slave-holding States" and as "reflecting the will of a section whose population are hostile in feeling and opposed in principle to a long established and cherished institution of these States of the South," as well as affording "alarming evidence on the part of said majority of a settled purpose to destroy said institution and subvert the sovereign power of this and other slave-holding States," we can neither endorse such sentiments nor consent to act on the principles and intent which prompted the denunciation. We can find nothing in said "legislation" which will authorize us as intimated in the law "to adopt any measures for vindicating the sovereignty of the State" not considering the same to have been "assailed" by Congress. We are the more confirmed in this course, when we reflect that most of the "legislation" in question, was in strict conformity with the demands of the South, and was supported by her representatives nearly unanimously, in the Senate, and even the most objectionable parts of it, by about a two-third vote in the House of Representatives.

To the end, therefore, that the position of this State in Convention with such "legislation of the Congress of the United States," may be fairly and fully understood, we the delegates of the people

of Mississippi, do hereby adopt the following series of resolutions :  
Which being read, was referred to the Committee of Thirteen.

Mr. Vick offered the following resolution :

*Resolved*, That, in the opinion of this Convention, no preamble to the resolutions of the Committee of Thirteen is necessary.

Whereupon, Mr. Collins offered the following as a substitute, to-wit:

*Resolved*, That the Committee of Thirteen be and are hereby instructed to report a preamble to accompany such resolutions as may be passed by this Convention.

Which was adopted in lieu of that offered by Mr. Vick.

On motion of Mr. Montgomery, the Convention adjourned until 9 o'clock to-morrow morning.

#### FRIDAY, NOVEMBER 14TH, 1851.

The Convention met pursuant to adjournment, and its deliberations opened with prayer by the Rev. Mr. Walker, of the Methodist Church, of this city.

Mr. F. D. Piner, the delegate elect from the county of Panola, appeared, was qualified, and took his seat.

On motion of Mr. Clark, the resolutions reported yesterday by the Committee of Thirteen, were laid on the table.

Mr. Scruggs, of Marshall, was called to the chair.

And the following resolution offered by the President of the Convention, was on motion of Mr. Sturges, of Copiah, laid on the table.

*Resolved*, That this Convention respectfully recommend, to the citizens of the State of Mississippi, and the Southern States generally, the urgent necessity of planting less of the great staple of the South, of sowing and harvesting more of the staff of life, of rearing more of every description of stock, and of the encouragement of every description of domestic manufactures.

On motion of Mr. Henry, the report of the Committee of Thirteen, was called from the table.—Mr. Lake in the chair.

Mr. Scruggs offered a series of resolutions, amendatory of the report of the Committee of Thirteen,

Which was, on motion of Mr. Johnson, of Warren, laid on the table for the present.

On motion of Mr. Adams, the Convention proceeded to the consideration of the report of the Committee of Thirteen, by sections.

The first Section having been read, Mr. Johnston, of Hinds, offered the following amendment thereto, to-wit:

Amend the first resolution, by adding to the same, at its conclusion, the following words, "so long as the same, in all its features, shall be faithfully adhered to and enforced."

But before any action thereon, on motion of Mr. Henry, the report and amendment was laid on the table, and

On his further motion, the Convention adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

The Convention met pursuant to adjournment.

Mr. Foote presented a memorial of sundry citizens of Noxubee county, praying the Convention to appoint two delegates to the State of South Carolina.

Which being read,

Mr. Dabney, moved its reference to the Committee of Thirteen, which was lost. After some discussion,

On motion of Mr. Cobb, the memorial was referred to the Committee of Thirteen.

Mr. Johnson, of Warren, from the Committee of Thirteen, made the following report :

MR. PRESIDENT :—The Committee of Thirteen, who were instructed to report a preamble, to the resolutions which they reported to the Convention, on yesterday evening, beg leave to report the following, viz :

#### PREAMBLE.

The people of Mississippi, in Convention assembled, adopt the following resolutions, as expressive of their deliberate judgment on the great questions involving their Constitutional rights, as a constituent part of the American Confederacy.

Which was received,

And on motion of Mr. Johnson, of Warren, five hundred copies ordered to be printed, for the use of the Convention.

Mr. Cannon, from the minority of the Committee of Thirteen, presented the following report :

MR. PRESIDENT :—The minority of the Committee of Thirteen, selected by the Convention, beg leave to report :

That, they took their seats in this body, with a sincere wish, that its deliberations might result in harmonious action. They were earnestly desirous to forward the action of the majority, so as to secure a consistent and defensible position for the State of Mississippi; consequently they have sought to throw no obstacles in its course, or attempted to embarrass its movements. Actuated by such a spirit, it is a matter of profound regret, that they find themselves constrained to differ, on many essential points, with those representing the majority.

They deem it inexpedient, that the State of Mississippi should take any new position on the subject of slavery. They hold, that the rights and wrongs of the State, have been fully set forth and expounded in the October Convention of 1849. That they are unwilling that any other or distant State, shall be permitted to make

a position, or pledge the action of the sovereignty of the State of Mississippi, touching the Union or the slavery question ; as she has already developed the principles upon which she can assert the one and vindicate the other.

The minority of the Committee, deems it right, meet and proper, that full weight should be given in the action of the Convention, to the will of the majority of the people of Mississippi, as expressed in the election of September last, in regard to the slavery question. Therefore, they state, that they consider acquiescence in the measures of the late Congress, called the Compromise, as the fixed and settled policy of the State of Mississippi, as indicated by that election.

Yet, the minority feel bound to say, that they do not and cannot regard the election in September last, as an expression, by the people, in favor of the justice or wisdom of the whole series of those measures, but rather, as a reluctant assent to them, in preference to any course which might endanger the union of the States, or jeopardize the safety of the South. A high regard for the truth of history, and a just sense of the rights of the South, demand the assertion, that they consider the people as protesting against a portion of the Compromise measures, and as being unwilling that those measures, shall ever hereafter be invoked as precedents of right against them in the future legislation of the general government.

The minority deem it wholly unnecessary to publish the loyalty of Mississippi to the Union, and the Constitution without amendment, when they are unable to perceive any thing in her past history, in the council hall, or upon the field of battle, which would justify the world in arraying the one or questioning the other. She regards the Constitution as the sacred bond of the Union. All she asks, is, that it be fairly construed and righteously administered, in order to secure the perpetual devotion of her people, and their obedience to the laws of the land. Mississippi has never questioned the wisdom of our form of government, and has only arraigned the conduct of those who have shown themselves strangers to the high and holy spirit in which it was framed, and traitors to the honor and good faith in which it should be carried out. They cannot further perceive the necessity which has led to the solemn denial of a right to do that which no one is now proposing. We are yet to be informed, what body of men among us proposes to secede from the Union. We come to this Convention as representing the sovereignty of the State, not as a political body to assert unmeaning abstractions, merely to color the present hour. But, inasmuch as the majority has seen proper to express their views upon the right of secession, they feel justified in asserting a principle, announced in the earliest history of the Government, and consecrated by the highest names of the Republic. We therefore assert "that the several States, composing the United States of America, are not united on the principle of unlimited submission



to the general government, but, by compact, under style and title of a Constitution of the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State for itself the residuary mass of right to their own self government, and that whenever the General Government assumes undelegated powers, its acts are unauthorized, void and of no effect; that to this compact, each State acceded, as a State, as an integral party, that this Government created by this compact, was not made the exclusive or final judge of its powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers. But, as in all other cases of compact among parties, having no common judge, each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress." The minority do further explicitly and peremptorily declare, that we view the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting the compact, as no farther valid than authorised by the grants enumerated in that compact, and that in case of a deliberate, palpable and dangerous exercise of other powers not granted by said compact, (or the gross and flagrant abuse of those granted,) the States who are parties thereto, have the right, and are in duty bound, to interpose, for the purpose of arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

The minority cannot, out of self-respect, and in justice to themselves, conceive, with the majority, that the Convention, of which we are a part, is an illegal or unconstitutional body. If this were true, they should be bound by their oaths to adjourn. Our continued session would be a palpable fraud upon the rights of their constituents. The date of our organization should have been the date of our dissolution. They are unwilling thus to stultify themselves, or to stigmatize those who refused a proposition to adjourn on our first meeting. We regard the Convention as legally and constitutionally assembled, and whether its deliberations should meet our wishes or otherwise, we cannot hold their result as wanting in binding force from any defect in our organization.

In conclusion, the minority are forced to disagree with the 7th resolution of the Committee. They hold it to be their duty to submit the action of the Convention to the people of the State. An ordinary degree of respect for the people would seem to them to call for such a course. Justice and fair dealing towards our constituents demand it. The nature of our organization requires it. We are holding and exercising the sovereignty of the State. Our opinions, our acts, become the solemn will of the people. It is an universal rule, one never hitherto violated in the practice of any State in the Union, that such should be submitted to the peo-



ple for their judgment. In ordinary legislative action, no such necessity exists; as the same power which makes, can repeal laws. But when the sovereignty of the State has acted, it can never be changed without calling into action again the powers of the people through an organized form. Hence the palpable necessity that their opinion should be had before any supreme rule of action, any law, any great principle, should be imposed upon them. Distrust of the popular will, does not become a popular representative; and we have ever held that system of government the wisest, which most frequently seeks an expression of the popular will.

And in pursuance of the foregoing report, the minority submit for the action of the Convention the following resolutions:

*1st, Resolved*, That this Convention deems it inexpedient to assume any new or farther position for the people of the State of Mississippi on the slavery question, believing that their position has been fully defined in the report and resolutions of the October convention of 1849.

*2nd. Resolved*, That this Convention deems it right and proper that full weight should be given in its action, to the will of a majority of the people of Mississippi, as expressed in the election of September last, in regard to the slavery question.

*3d, Resolved*, That this Convention considers acquiescence in the measures of Congress, called the Compromise, as the settled policy of the people of Mississippi, as indicated by that election.

*4th, Resolved*, That this Convention does not regard the election in September as an expression in favor of the justice or wisdom of the whole series of those measures, but, rather as an assent yielded to them, by the people, in preference to the adoption of any course which might tend to endanger the Union of the States, and that while the people have thus yielded their assent to those measures, in view of all the surrounding circumstances, they have in nowise intended to sanction them, as that they shall be hereafter invoked as precedents of right against them.

*5th, Resolved*, That this Convention deems it proper to declare that the Government of the United States is one of delegated powers, formed by delegates from the several sovereign States, and limited by a written Constitution, which was ratified by the States separately; that all powers not expressly delegated, or necessary to carry out the delegated powers, were reserved to the States respectively, and it necessarily follows, that any State possesses the right to judge of infractions of the Constitution; and whenever an exigency shall arise, which, in the opinion of the people of the State, is sufficient to justify the step, such State has an unquestionable right to resume the delegated powers and withdraw from the Union. All of which is respectfully submitted by,

WM. R. CANNON,  
W. P. HARRIS,  
SAM'L N. GILLILAND.

Which was received, and on motion of Mr. Cannon, 500 copies ordered to be printed, and the report laid on the table.

On motion of Mr. Johnson, of Warren, the Committee of Thirteen were discharged from the farther consideration of the subjects referred to them.

Leave of absence was granted to Mr. Ventress during his indisposition.

On motion of Mr. Johnson, of Warren, the report of the Committee of Thirteen was called from the table.

The question recurred on the amendment offered to the first resolution in the report, by Mr. Johnston, of Hinds.

Mr. Scruggs moved that the amendment be laid on the table ; which was decided in the negative, by yeas and nays as follows :

Those who voted in the affirmative, are, Messrs. Ashe, Billups, Bailey, Burrus, Champlin, Clark, Cobb, Davis, Evans of Lauderdale, Easterling, Garner, Golladay, Johnson of Warren, Jones of Tippah, Kinyon, Lowry, Lake, McMurren, McAllum, Piner, Robertson, Scruggs, Vick, Vaughan, and Watson of Marshall,—yeas 25.

Those who voted in the negative, are, Mr. President, Messrs. Alcorn, Adams, Banks, Barksdale, Benton, Butler, Backstrom, Boatner, Cherry, Cannon, Connelly, Caruthers, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Dabney, Evans of Chickasaw, Edwards, Fox, Foote, Griffin, Gwin, Huff, Hemingway, Hart, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Washington, Jones of Franklin, Jones of Madison, Jones of Pontotoc, Keown, Miller, Montgomery, Myers, Muse, McLendon, McLeod, McDonald, McDowell, Niles, Purdom, Phillips, Powe, Rankin, Sawyer, Scales, Sharkey, Smith, Snedecor, Stovall, Sturges of Copiah, Sturges of Simpson, Sullivan, Veazie, Watson of De Soto, Wells, Williams, Wilson of Claiborne, and Wilson of Pontotoc,—nays 67.

The question was then taken on the adoption of the amendment of Mr. Johnston, of Hinds, and decided in the affirmative ; and

On motion of Mr. Alcorn, the 1st resolution in the report of the Committee was adopted as amended.

The second resolution reported by the Committee was then read.

Mr. Jones, of Pontotoc, moved to amend the same so as to read, "That the above recited acts of legislation of the Congress of the United States, do not afford sufficient cause to disturb the friendly and peaceful existing relations between the Government of the United States and the Government and people of the State of Mississippi."

Which was lost.

On motion of Mr. Johnson, of Warren, the second resolution as reported by the Committee, was adopted.

The third resolution reported by the Committee was then read.

Mr. Adams offered the following as an amendment thereto :—

Amend the third resolution by adding to it, as follows :

“ That they hold the Union secondary in importance only to the rights and principles it was designed to perpetuate ; that past associations, present fruition and future prospects will bind them to it so long as it continues to be the safeguard of those rights and principles.”

Which was adopted.

The question then recurred on the adoption of said resolution as amended, and decided in the affirmative.

The fourth resolution having been read,

Mr. Barksdale moved that it be stricken out from the report, but before the question was taken thereon,

On motion of Mr. Henry, the Convention adjourned until 7 o'clock, p. m.

### 7 O'CLOCK, P. M.

The Convention met pursuant to adjournment.

Mr. Lake was called to the chair.

The question recurred on the motion of Mr. Barksdale, to strike out the fourth resolution reported by the Committee.

Mr. Sturges, of Copiah, moved that the Convention adjourn until 9 o'clock to-morrow morning.

Which motion failing, Mr. Barksdale withdrew his amendment.

After some discussion, Mr. Barksdale renewed his amendment.

Whereupon, Mr. Cobb offered the following resolution as a substitute, to-wit:

Amend the amendment, by striking out the fourth resolution and inserting the following as a substitute :

*Resolved*, That while admitting the doctrine of the fourth resolution of the series, reported by the Committee of Thirteen, it is inexpedient, (in as much as it is unprecedented,) to adopt an open and abstract question as the permanent position of a sovereign State; but, that the doctrine of said resolution may, and should be asserted as a matter of opinion by the members of this Convention, apart from the main body of its action, in connexion with the “ legislation of the Congress of the United States,” recited in the first resolution of the series.

A division of the question being demanded, the question was taken on striking out, and decided in the negative, by yeas and nays as follows :

Those who voted in the affirmative, are, Messrs. Barksdale, Bil-lups, Brackstrom, Cherry, Cobb, Cannon, Connelly, Evans of Lauderdale, Easterling, Edwards, Gilliland, Golladay, Jones of Franklin, Keown, Miller, McLendon, Phillips, Scales, Smith, Sturges of Copiah, Sturges of Simpson, and Wells,—yeas 22.

Those who voted in the negative were, Mr. President, Messrs.



Alcorn, Adams, Ashe, Banks, Benton, Butler, Boatner, Bailey, Burrus, Champlin, Clark, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Dabney, Davis, Fox, Foote, Griffin, Gwin, Garner, Huff, Hemingway, Hart, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Warren, Jones of Madison, Jones of Pontotoc, Jones of Tippah, Kinyon, Lowry, Lake, Montgomery, Myers, Muse, McMurren, McLeod, McAllum, McDonald, McDowell, Niles, Purdom, Piner, Powe, Robertson, Rankin, Sawyer, Scruggs, Sharkey, Snedecor, Stovall, Sullivan, Veazie, Vick, Vaughan, Watson of Marshall, Watson of De Soto, Williams, Wilson of Claiborne and Wilson of Pontotoc,—nays 67.

The question then recurred on the adoption of the fourth resolution in the report of the Committee.

Mr. Backstrom then offered the following amendment, to-wit:  
Amend by adding the following:

“But that the Federal Government has no power conferred upon it by the Constitution to coerce a sovereign State of this confederacy.”

Mr. Alcorn called for the previous question, and the question was, “shall the main question be now put?”

Which being sustained,

The question was then taken on the adoption of the fourth resolution, in the report of the Committee, and decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative are, Mr. President, Messrs. Alcorn, Adams, Ashe, Banks, Benton, Billups, Butler, Boatner, Bailey, Burrus, Champlin, Clark, Cobb, Cole, Collins, Duncan of Itawamba, Duncan of Lafayette, Dabney, Davis, Evans of Lauderdale, Evans of Chickasaw, Fox, Foote, Griffin, Gwin, Garner, Golladay, Huff, Hemingway, Hart, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Warren, Jones of Madison, Jones of Pontotoc, Jones of Tippah, Kinyon, Lowry, Lake, Montgomery, Myers, Muse, McMurren, McLeod, McAllum, McDonald, McDowell, Niles, Purdom, Piner, Powe, Robertson, Rankin, Sawyer, Scruggs, Sharkey, Snedecor, Stovall, Sullivan, Veazie, Vick, Vaughan, Watson of Marshall, Watson of De Soto, Wells, Williams, Wilson of Claiborne and Wilson of Pontotoc,—yeas 73.

Those who voted in the negative are, Messrs. Barksdale, Backstrom, Cherry, Cannon, Connelly, Easterling, Edwards, Gilliland, Jones of Franklin, Keown, Miller, McLendon, Phillips, Scales, Smith, Sturges of Copiah and Sturges of Simpson,—nays 17.

On motion of Mr. Johnson, of Warren, the Convention adjourned until 9 o'clock, to-morrow morning.



SATURDAY, NOVEMBER 15, 1851.

The Convention met pursuant to adjournment.

Leave was granted to Mr. Harris to make a personal explanation.

After which, the Convention proceeded to the consideration of the fifth resolution reported by the Committee of Thirteen.

Which being read,

Mr. Sturges, of Simpson, offered the following amendment :

Add after the word "resistance," in the fourth line, the words "even to a disruption of every tie which binds us to the Union."

Mr. Foote, moved to lay the same on the table.

But before any action thereon,

Mr. Harris offered the following as a substitute therefor, viz :

"That in view of the declaration contained in the 5th resolution, this Convention deems it expedient to declare that in the event that the people of Mississippi shall determine to withdraw from the Union, on the happening of any one of the contingencies enumerated in said resolution, that the Federal Government would have no right, in such event, to compel the people of Mississippi to return to the Union."

Mr. Piner moved to lay the same on the table.

Mr. Foote called for the previous question, which was sustained.

Mr. Banks moved to reconsider the vote on the previous question. Which motion prevailing,

The question then recurred on the adoption of the amendment submitted by Mr. Harris.

Mr. Clark moved to lay the amendment on the table, which was decided in the affirmative, by yeas and nays, as follows :

Those who voted in the affirmative were, Mr. President, Messrs. Alcorn, Adams, Ashe, Banks, Benton, Billups, Butler, Boatner, Bailey, Burrus, Champlin, Clark, Cobb, Caruthers, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Dabney, Davis, Evans of Chickasaw, Evans of Lauderdale, Edwards, Fox, Foote, Griffin, Gwin, Garner, Golladay, Huff, Hart, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Warren, Johnson of Washington, Jones of Franklin, Jones of Madison, Jones of Pontotoc, Jones of Tippah, Lowry, Lake, Montgomery, Myers, McMurran, McLeod, McAllum, McDonald, McDowell, Niles, Purdom, Phillips, Piner, Powe, Robertson, Sawyer, Scruggs, Sharkey, Snedecor, Stovall, Sullivan, Vick, Vaughan, Watson of Marshall, Watson of De Soto, Wells, Williams, Wilson of Claiborne and Wilson of Pontotoc,—yeas 74.

Those who voted in the negative were, Messrs. Barksdale, Backstrom, Cherry, Cannon, Connelly, Easterling, Gilliland, Hemingway, Harris, Keown, Kinyon, Miller, Muse, McLendon, Rankin, Scales, Smith, Sturges of Copiah and Sturges of Simpson,—nays

Mr. Banks moved to amend the third clause in the fifth resolution.

After the words "any action of Congress," the following:

"Abolishing Slavery in the District of Columbia, or in the Forts and Arsenals of the United States, and all legislation incompatible."

Mr. Piner moved to lay the amendment on the table, which was decided in the affirmative, by yeas and nays, as follows:

Those voting in the affirmative were, Mr. President, Messrs. Alcorn, Billups, Butler, Boatner, Baily, Burrus, Champlin, Clark, Caruthers, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Dabney, Davis, Evans of Lauderdale, Easterling, Edwards, Fox, Foote, Griffin, Gwin, Garner, Golladay, Hemingway, Hart, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Warren, Jones of Madison, Jones of Pontotoc, Kinyon, Lowry, Lake, Montgomery, Myers, Muse, McMurran, McAllum, McDonald, McDowell, Niles, Purdom, Phillips, Piner, Powe, Robertson, Sawyer, Scruggs, Snedecor, Stovall, Sullivan, Veazie, Vick, Vaughan, Watson of Marshall, Watson of De Soto, Wells, Williams, Wilson of Claiborne and Wilson of Pontotoc,—yeas 66.

Those who voted in the negative, were, Messrs. Adams, Ashe, Banks, Barksdale, Backstrom, Cherry, Cannon, Connelly, Duncan of Tishomingo, Gilliland, Huff, Harris, Jones of Franklin, Jones of Tippah, Keown, Miller, McLendon, Rankin, Scales, Sharkey, Smith, Sturges of Copiah and Sturges of Simpson,—nays 23.

Mr. Evans, of Chickasaw, offered the following amendment to the 3d clause of the 5th resolution:

Amend by striking out the words "on the subject of," and insert the word "abolishing."

Mr. Foote demanded the previous question, which being sustained,

The question was then put on the adoption of the 5th resolution, as reported by the Committee of Thirteen, and decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are, Mr. President, Messrs. Alcorn, Adams, Ashe, Banks, Barksdale, Billups, Benton, Butler, Boatner, Bailey, Burrus, Champlin, Clark, Cobb, Caruthers, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Dabney, Davis, Evans of Chickasaw, Evans of Lauderdale, Edwards, Fox, Foote, Griffin, Gwin, Garner, Golladay, Huff, Hemingway, Hart, Huie, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Warren, Johnson of Washington, Jones of Franklin, Jones of Madison, Jones of Pontotoc, Jones of Tippah, Kinyon, Lowry, Lake, Montgomery, Myers, Muse, McMurran, McLeod, McAllum, McDonald, McDowell, Niles, Purdom, Phillips, Piner, Powe, Robertson, Rankin, Sawyer, Scruggs, Sharkey, Snedecor, Stovall, Sullivan, Veazie, Vick, Vaughan, Watson of Marshall, Watson of De Soto, Wells, Williams, Wilson of Claiborne and Wilson of Pontotoc,—yeas 80.

Those who voted in the negative, are, Messrs. Backstrom, Cher-

ry, Cannon, Connelly, Easterling, Gilliland, Harris, Miller, McLendon, Scales, Smith, Sturges of Copiah and Sturges of Simpson,—nays 13.

Mr. Benton, a delegate elect from the county of Marshall, presented his credentials, was qualified and took his seat.

The Convention then proceeded to the consideration of the sixth resolution, as reported by the Committee of Thirteen,

Which was read, and adopted.

On motion of Mr. Sturges, of Simpson, leave of absence was granted to Mr. Harris.

The seventh resolution was then read, as reported by the Committee.

On motion of Mr. Veazie, the word "consideration" in the sixth line was stricken out.

Mr. Scruggs then offered the following amendment to the 7th resolution; viz:

"Strike out the 7th resolution, and insert the following as the last of the series, viz:

"*Resolved*, 8th, That the foregoing resolutions can be submitted to the people of the State, for their approval or disapproval, at such time and in such mode as the Legislature of the State may, at its next session, provide."

Mr. Dabney offered the following as an amendment, which was read:

"Amend by striking out the 7th resolution, and insert in lieu thereof, the following:

"That in pursuance of the act of the late extraordinary session of the Legislature of this State, approved November 30, 1850, that these resolutions be submitted to the people of this State at the ballot box, at the next general election, to be held on the first Monday and day following in November 1853, for their approval or disapproval, and that the Sheriff or other proper officer of the several counties, in holding said election, shall submit to each qualified voter, specially the question: "Do you approve of these resolutions?" and the Clerk or Clerks of said election shall record the sense of the voter by writing opposite his name if in favor of the resolutions, the word, "approved," and if opposed to said resolutions, the words, "not approved," the returns of which said election, so held as aforesaid, shall be made by the Sheriff, or other proper officer of the several counties in this State to the Secretary of State, and it shall be the duty of the Governor of this State, upon a comparison of the polls, to issue his Proclamation declaring the result of said election."

Mr. Cobb, offered the following as a substitute therefor:

Amend the 7th resolution, so that it may read,

*Resolved*, further, 7th, That, as the people of the State of Mississippi, in the opinion of this Convention, desire all further agitation of the slavery question to cease, and have acted upon all the



foregoing questions, thereby making it the duty of this Convention to pass no acts within the purview and spirit of the law under which it was called, this Convention deems it unnecessary to refer to the people, its action in the premises, further than to invite its constituency to express their approval or disapproval of these resolutions, at the next general State elections to be held in this State.

Mr. Alcorn, offered the following proviso, which having been read, was accepted by Mr. Cobb :

"Provided, however, that in enumerating the votes cast in favor of said resolutions, those voting for representatives at said election, who may not vote upon said resolutions, shall be considered and counted as voting therefor."

Mr. Montgomery called for the previous question, and the question was, "shall the main question be now put?"

And decided in the negative by yeas and nays, as follows :

Those who voted in the affirmative, are, Messrs. Adams, Banks, Butler, Bailey, Caruthers, Collins, Duncan of Itawamba, Duncan of Tishomingo, Evans of Chickasaw, Easterling, Edwards, Foote, Garner, Huff, Hemingway, Henry, James, Johnston of Hinds, Jones of Madison, Jones of Pontotoc, Jones of Tippah, Kinyon, Montgomery, Myers, Muse, McMurren, McLeod, Niles, Phillips, Piner, Powe, Rankin, Sawyer, Sharkey, Stovall, Sullivan, Veazie, Watson of Marshall, Wilson of Claiborne, and Wilson of Pontotoc,—yeas 40.

Those who voted in the negative, were, Mr. President, Messrs. Alcorn, Ashe, Barksdale, Billups, Benton, Backstrom, Boatner, Burrus, Champlin, Clark, Cherry, Cobb, Cannon, Connelly, Cole, Duncan of Lafayette, Dabney, Davis, Evans of Lauderdale, Gilliland, Griffin, Gwin, Golladay, Hurst, Hart, Hale, Holmes, Johnson of Warren, Jones of Franklin, Lowry, Lake, Miller, McLendon, McAllum, McDonald, McDowell, Purdom, Robertson, Scruggs, Smith, Snedecor, Sturges of Copiah, Sturges of Simpson, Vick, Vaughan, Watson of De Soto, Wells, and Williams,—nays 49.

Mr. Henry moved to adjourn until 3 o'clock, which was lost.

On motion of Mr. Piner, the Convention adjourned until half past two o'clock, p. m.

2½ O'CLOCK, P. M.

The Convention met pursuant to adjournment.

And the question recurred on the adoption of the amendment offered to the 7th resolution by Mr. Cobb, as amended.

On motion of Mr. Clark, the amendments were laid on the table.

Mr. Clark offered the following amendment :

"Amend by adding at the end of the resolution, these words,

"But the Legislature can at its next session, if it deems it necessary, provide for the submission of these resolutions to the people." Which, on motion of Mr. Watson, of Marshall, was laid on the table.



Mr. Niles moved that the amendment be called [from the table] Which was lost.

Mr. Watson, of Marshall, moved the adoption of the 7th resolution as reported by the Committee of Thirteen.

Mr. Niles moved that the vote laying the amendments on the table, be reconsidered, which was decided in the affirmative, by yeas and nays, as follows :

Those who voted in the affirmative, are, Mr. President, Messrs. Alcorn, Adams, Ashe, Barksdale, Billups, Benton, Butler, Champlin, Clark, Cherry, Cobb, Cannon, Connelly, Caruthers, Duncan of Lafayette, Dabney, Davis, Evans of Lauderdale, Easterling, Foote, Gilliland, Griffin, Gwin, Golladay, Harris, Hale, Henry, Holmes, James, Jones of Franklin, Jones of Madison, Jones of Pontotoc, Keown, Myers, Muse, McLendon, McLeod, McAllum, McDonald, McDowell, Niles, Purdom, Piner, Powe, Robertson, Rankin, Scruggs, Scales, Snedecor, Stovall, Sturges of Simpson, Vick, Vaughan, Ventress, Watson of Marshall, Watson of De Soto, Wells, Williams and Wilson of Pontotoc,—yeas 60.

Those who voted in the negative, are, Messrs. Banks, Boatner, Bailey, Burrus, Collins, Cole, Duncan of Itawamba, Duncan of Tishomingo, Evans of Chickasaw, Edwards, Garner, Hurst, Huff, Hemingway, Hart, Johnston of Hinds, Johnson of Warren, Jones of Tippah, Kinyon, Lowry, Lake, Miller, Montgomery, McMurrin, Phillips, Sawyer, Sharkey, Smith, Sturges of Copiah, Sullivan, Veazie and Wilson of Claiborne,—nays 32.

Mr. Butler then moved that the Convention adjourn until Monday morning, 10 o'clock. Which was lost.

Mr. Snedecor offered the following resolution :

*Resolved*, That this Convention do now adjourn *sine die*.

Which, on motion of Mr. Clark, was laid on the table.

On motion of Mr. Adams, the Convention adjourned until seven o'clock, p. m.

#### 7 O'CLOCK P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Adams, the regular business was suspended to enable him to introduce the following resolution, viz :

*Resolved*, That the Secretary of this Convention, be and he is hereby allowed, not exceeding three days after the adjournment, in order to complete the Journals and furnish the same to the Printer of this Convention. Which was adopted.

The question then recurred on the adoption of Mr. Cobb's amendment and proviso, to the 7th resolution.

Mr. Scruggs called for a division of the amendment, but before any action thereon,

Mr. Niles moved to lay the amendments on the table, which was decided in the affirmative, by yeas and nays, as follows :

Those who voted in the affirmative, are, Mr. President, Messrs Banks, Butler, Backstrom, Boatner, Bailey, Burrus, Cherry, Cannon, Connelly, Caruthers, Duncan of Itawamba, Duncan of Tishomingo, Davis, Evans of Chickasaw, Easterling, Gilliland, Garner, Huff, Hemingway, Hart, Harris, Hale, Johnston of Hinds, Johnson of Warren, Jones of Tippah, Keown, Kinyon, Lowry, Lake, Miller, Muse, McMurran, McLendon, Niles, Phillips, Rankin, Sawyer, Scales, Sharkey, Smith, Sturges of Copiah, Sturges of Simpson, Sullivan, Veazie, Vick, Watson of Marshall and Wilson of Claiborne,—yeas 48.

Those who voted in the negative, are, Messrs. Alcorn, Ashe, Billups, Benton, Champlin, Clark, Cobb, Collins, Cole, Duncan of Lafayette, Dabney, Evans of Lauderdale, Foote, Griffin, Gwin, Golladay, Hurst, Henry, Holmes, James, Jones of Franklin, Jones of Madison, Jones of Pontotoc, Montgomery, Myers, McLeod, McAllum, McDonald, McDowell, Purdom, Piner, Powe, Robertson, Scruggs, Snedecor, Stovall, Vaughan, Watson of De Soto, Wells, Williams and Wilson of Pontotoc,—nays 41.

Mr. Scruggs called for the previous question, which being sustained,

The question was taken on the adoption of the 7th resolution as amended, and decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are, Mr. President, Messrs. Adams, Ashe, Banks, Butler, Boatner, Bailey, Burrus, Champlin, Clark, Caruthers, Collins, Duncan of Itawamba, Duncan of Tishomingo, Davis, Evans of Chickasaw, Foote, Gwin, Garner, Hurst, Huff, Hemingway, Hart, Hale, Henry, James, Johnston of Hinds, Johnson of Warren, Johnson of Washington, Jones of Pontotoc, Jones of Tippah, Kinyon, Lowry, Lake, Montgomery, Myers, Muse, McMurran, McLeod, McDonald, Niles, Purdom, Phillips, Powe, Sawyer, Scruggs, Sharkey, Sullivan, Veazie, Vick, Watson of Marshall, Wilson of Claiborne and Wilson of Pontotoc,—yeas 53.

Those who voted in the negative, are, Messrs. Alcorn, Barksdale, Billups, Benton, Backstrom, Cherry, Cobb, Cannon, Connelly, Cole, Duncan of Lafayette, Dabney, Evans of Lauderdale, Easterling, Gilliland, Griffin, Golladay, Harris, Holmes, Jones of Franklin, Jones of Madison, Keown, Miller, McLendon, McAllum, McDowell, Piner, Robertson, Rankin, Scales, Smith, Snedecor, Stovall, Sturges of Simpson, Sturges of Copiah, Vaughan, Ventress, Watson of De Soto, Wells and Williams,—nays 40.

The 8th resolution reported by the Committee was then read,

Mr. Scruggs called for the previous question, which being sustained, the question was then taken on the adoption of the 8th resolution and decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are, Mr. President, Messrs. Alcorn, Ashe, Boatner, Bailey, Champlin, Clark, Cobb, Caruthers, Cole, Dabney, Davis, Evans of Chickasaw, Foote, Griffin, Garner, Golladay, Hale, Henry, Johnston of Hinds, Johnson of War-

rea, Jones of Pontotoc, Jones of Tippah, Lowry, Myers, Muse, Mc Murran, McLeod, McAllum, McDowell, Niles, Purdom, Powe, Robertson, Sawyer, Sharkey, Vaughan, Ventress, Watson of Marshall, Wilson of Claiborne, and Wilson of Pontotoc,—yeas 41.

Those who voted in the negative, are, Messrs. Adams, Banks, Barksdale, Billups, Benton, Butler, Backstrom, Burrus, Cherry, Cannon, Connelly, Collins, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Evans of Lauderdale, Easterling, Gilliland, Hurst, Huff, Hemingway, Hart, Harris, Holmes, James, Jones of Franklin, Jones of Madison, Keown, Kinyon, Lake, Miller, Montgomery, McLendon, McDonald, Phillips, Piner, Rankin, Scruggs, Scales, Smith, Snedecor, Stovall, Sturges of Copiah, Sturges of Simpson, Sullivan, Veazie, Vick, Watson of De Soto, Wells, and Williams,—nays 50.

On motion of Mr. Bailey,

*Resolved*, That William Hiltzheim, the Page of this Convention, shall be allowed the sum of twelve dollars, which shall be paid him upon the certificate of the President.

On motion of Mr. Collins, the preamble reported by the Committee of Thirteen, was called from the table.

Which being read, Mr. McMurran offered the following amendment, viz :

Amend by striking out the preamble and insert,

“The people of Mississippi in Convention assembled, as expressive of their deliberate judgment, on the great questions involved in the sectional controversy between the slave holding and non-slave holding States of the American Union, adopt the following resolutions :”

Mr. Sturges, of Simpson, called for the previous question, which was not sustained.

Whereupon, Mr. Watson offered the following amendment to the amendment of Mr. McMurran, to-wit :

#### “PREAMBLE.

*Whereas*, An act was passed by the Legislature of the State of Mississippi, on the 30th day of November, 1850, entitled “an act to provide for a Convention of the People of the State of Mississippi,” the principal object of which act, as set forth in the 5th section thereof, was “to consider the then existing relations between the Government of the United States and the Government and people of the State of Mississippi ; and to devise and carry into effect the best means of redress for the past and obtain certain security for the future ; and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions, as shall appear” to said Convention to be demanded :

*And, whereas*, The said act of the Legislature of Mississippi, was passed with special reference to a series of acts of the Congress

of the United States, commonly known as the compromise or adjustment measures :

*And, whereas,* The right of a State or States "peaceably to withdraw from the Union, without denial or obstruction from any quarter whatever," and also the question, whether the "Union of these States had been so grossly perverted from its original purposes, as to render its further continuance incompatible with the honor, the prosperity and the safety of the slave holding States, unless some correction of past aggressions, and some additional and more effectual guarantees for our future protection, be obtained from our associates in the Confederacy," and particularly, whether the State would acquiesce in the said compromise measures of Congress were distinctly presented to the people for their consideration, at the late elections; and the people in their sovereign capacity, having decided at said elections in favor of the Union as it is, without insisting on further amendments to the Constitution of the United States, or additional and more effectual guarantees for their future protection—in favor of acquiescing in the said Compromise measures of Congress—and against the right of a State or States peaceably to withdraw from the Union without denial or obstruction from any quarter whatever :

*And whereas,* also, in the opinion of this Convention, the people of the State are opposed to all further agitation of the slavery question : Therefore.

Which was lost.

The question was then taken on the amendment of Mr. McMurran, and decided in the affirmative.

On motion of Mr. Sturges, of Copiah, the report of the minority of the Committee of Thirteen, was called from the table.

Mr. Sharkey moved that the Convention adjourn until Monday morning 9 o'clock. Which was lost.

Mr. Niles moved that the Convention adjourn *sine die* at eleven o'clock on Monday next.

Mr. Clark moved to lay the Minority Report of the Committee of Thirteen on the table.

Pending which, the Convention, on motion of Mr. Sharkey, adjourned until nine o'clock Monday morning.

## MONDAY, NOVEMBER 17TH, 1851.

The Convention met pursuant to adjournment, and its deliberations opened with prayer by the Rev. Mr. Lewin of the Episcopal Church of this city.

The Journal of Saturday having been read,

On motion of Mr. Johnson, of Warren, the consideration of the regular business was suspended, to enable him to offer the following resolution, which was read and adopted :—



*Resolved*, That Charles H. Rogers be allowed the sum of Eighteen dollars, for his services as Clerk of the Committee of Thirteen, and the Auditor of Public Accounts, be authorised to issue his warrant on the State Treasurer for the same, on Certificate of the President.

The Convention then proceeded to the consideration of the question pending the adjournment on Saturday, being the motion of Mr. Clark "to lay the minority report of the Committee of Thirteen on the table."

And the question being put, the report was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are, Mr. President, Messrs. Alcorn, Adams, Ashe, Banks, Barksdale, Billups, Benton, Butler, Boatner, Bailey, Burrus, Champlain, Clark, Cobb, Caruthers, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Dabney, Evans of Chickasaw, Evans of Lauderdale, Edwards, Foote, Griffin, Garner, Golladay, Hurst, Huff, Hale, Henry, Holmes, James, Johnston of Hinds, Johnson of Warren, Jones of Franklin, Jones of Madison, Jones of Pontotoc, Jones of Tippah, Kinyon, Lowry, Lake, Montgomery, Myers, Muse, McMurren, McLeod, McAllum, McDonald, McDowell, Niles, Phillips, Piner, Powe, Robertson, Rankin, Sawyer, Scruggs, Sharkey, Snedecor, Stovall, Vick, Vaughan, Ventress, Watson of Marshall, Watson of De Soto, Wells, Williams, Wilson of Claiborne, and Wilson of Pontotoc,—yeas 72.

Those who voted in the negative, are, Messrs. Backstrom, Cherry, Cannon, Connelly, Easterling, Gilliland, Harris, Keown, Miller, McLendon, Scales, Smith, Sturges of Copiah, and Sturges of Simpson,—nays 14.

The following resolution offered by Mr. Butler, was read and adopted, unanimously. Mr. Vick in the chair.

*Resolved*, That the thanks of this Convention be returned to the President of this body, for the faithful, prompt and able manner in which he has presided over our deliberations.

Mr. Kinyon, offered the following resolution, which was also read and adopted:

*Resolved*, That the President of this Convention be allowed and paid, the same per diem compensation, for each day that it shall be necessary for him to superintend the preparing of the Journals of this Convention, for the hands of the Printer, after the adjournment of this Convention, as during its session, to be audited upon the certificate of the Secretary.

Mr. Scruggs offered the following resolutions:

*Resolved*, That the voluntary associations of our fellow-citizens of the non-slave holding States, for the purpose of agitating the subject of domestic slavery, or of enlisting either the State or Federal Legislature against it, are, in the judgment of this Convention, fraught with imminent danger to the stability of the Government,

and if persisted in, will result, at no distant day, in the most serious consequences.

*Resolved*, That, in view of the unanimity and promptness with which the slave holding States have acted, in support of the late acts of Congress, known as the "adjustment or compromise measures," it is in the opinion of this Convention, the duty of the non-slave holding States, if they intend to preserve the Union of these States, and keep faith with the slave holding States, to do the same thing: and that we cannot regard their failure to do so, otherwise than as an omen of evil.

Mr. Henry offered the following amendment to the second resolution, which was accepted by Mr. Scruggs:

Strike out all after the word "measures" and insert,

"It is the imperative duty of the people of the non-slave holding States, if they intend in good faith to preserve our present happy Union, and to observe their constitutional obligations, to give to these measures the same united support and that we should regard a failure to do so, as an omen of evil to the peace, the happiness and the perpetuity of our republican institutions."

Mr. Watson of Marshall, called for a division of the question,

And the question being put on the adoption of the first resolution, it was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are, Messrs. Alcorn, Adams, Ashe, Banks, Barksdale, Billups, Benton, Butler, Backstrom, Boatner, Bailey, Burrus, Champlin, Clark, Cherry, Cobb, Cannon, Connelly, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Duncan of Tishomingo, Dabney, Davis, Evans of Chickasaw, Evans of Lauderdale, Edwards, Foote, Gilliland, Garner, Griffin, Golladay, Huff, Hale, Henry, Holmes, James, Johnston of Hinds, Jones of Franklin, Jones of Madison, Jones of Pontotoc, Jones of Tippah, Keown, Lowry, Miller, Montgomery, Myers, Muse, McMurren, McLeod, McAllum, McDonald, McDowell, Niles, Phillips, Powe, Rankin, Robertson, Scruggs, Sawyer, Scales, Sharkey, Smith, Snedecor, Stovall, Sturges of Copiah, Sturges of Simpson, Vaughan, Ventress, Watson of De Soto, Wells, Williams, Wilson of Claiborne, and Wilson of Pontotoc,—yeas 75.

Those who voted in the negative, were, Mr. President, Messrs. Caruthers, Easterling, Johnson of Warren, Kinyon, Lake, McLendon, Piner, Vick, and Watson of Marshall,—nays 10.

The question then recurred on the adoption of the second resolution as amended,

But before the vote was taken thereon, it was, on motion of Mr. Niles, laid on the table.

Mr. Johnson, of Washington, appeared, was qualified and took his seat.

Mr. Vick moved to re-consider the vote by which the 5th resolution as reported by the Committee of Thirteen, was laid on the table on Saturday evening.

And it was decided in the affirmative, the yeas and nays being demanded.

Those who voted in the affirmative, are, Mr. President, Messrs. Alcorn, Ashe, Banks, Billups, Benton, Boatner, Bailey, Burrus, Champlain, Clark, Cobb, Cole, Duncan of Lafayette, Dabney, Evans of Chickasaw, Foote, Griffin, Garner, Golladay, Hale, Henry, Holmes, Johnston of Hinds, Johnson of Warren, Jones of Tippah, Lowry, Montgomery, Myers, Muse, McMurran, McLeod, McAllum, McDonald, McDowell, Niles, Piner, Powe, Robertson, Sharkey, Snedecor, Vick, Vaughan, Ventress, Watson of Marshall, Watson of De Soto, Williams, Wilson of Claiborne and Wilson of Pontotoc,—yeas 49.

Those who voted in the negative are, Messrs. Adams, Barksdale, Butler, Backstrom, Cherry, Cannon, Connelly, Caruthers, Collins, Duncan of Itawamba, Duncan of Tishomingo, Davis, Evans of Lauderdale, Edwards, Gilliland, Hurst, Huff, James, Johnson of Washington, Jones of Franklin, Jones of Madison, Jones of Pontotoc, Keown, Lake, Miller, McLendon, Phillips, Rankin, Scruggs, Scales, Smith, Stovall, Sturges of Copiah, and Wells,—nays 34.

On motion of Mr. Johnson of Warren,

Mr. Johnson of Washington, was permitted to record his vote on the resolutions of the Committee of Thirteen, and on the amendments thereto.

On motion of Mr. Scruggs,

Mr. Benton of Marshall, was also allowed the same privilege, both gentlemen having been unavoidably detained on their way to the Seat of Government.

The vote rejecting the 8th resolution having been reconsidered,

Mr. Benton offered the following amendment :

Amend by striking out the 8th resolution and insert,

*Resolved*, That in the opinion of this Convention, without intending to call in question the motives of the members of the Legislature, the call of this Convention by the Legislature, at its late extraordinary session, was unauthorised by the people; and that said act, in peremptorily ordering a Convention of the people of the State, without first submitting to them the question whether there should be a Convention or no Convention, was an unwarranted assumption of power by the Legislature, at war with the spirit of republican institutions, an encroachment upon the rights of the people, and can never be rightfully invoked as a precedent.

Which was adopted, by yeas and nays as follows :

Those who voted in the affirmative, are, Mr. President, Messrs. Alcorn, Ashe, Billups, Benton, Bailey, Champlin, Clark, Cobb, Caruthers, Collins, Cole, Duncan of Itawamba, Duncan of Lafayette, Dabney, Davis, Evans of Chickasaw, Edwards, Foote, Griffin, Garner, Huff, Hale, Henry, Holmes, Johnson of Warren, Jones of Pontotoc, Jones of Tippah, Lowry, Montgomery, Myers, McMur-



ran, McLeod, McAllum, McDonald, Niles, Piner, Powe, Robertson, Rankin, Scruggs, Sharkey, Snedecor, Stovall, Vick, Vaughan, Ventress, Watson of Marshall, Watson of De Soto, Williams, Wilson of Claiborne and Wilson of Pontotoc,—yeas 52.

Those who voted in the negative, are, Messrs. Adams, Banks, Butler, Backstrom, Boatner, Burrus, Cherry, Cannon, Connelly, Duncan of Tishomingo, Evans of Lauderdale, Gilliland, Golladay, Hurst, James, Johnston of Hinds, Johnson of Washington, Jones of Franklin, Jones of Madison, Lake, Miller, Muse, McLendon, McDowell, Phillips, Scales, Smith, Sturges of Copiah and Wells.—nays 29.

The question then recurred on the adoption of the resolution as amended, and decided in the affirmative.

Mr. Clark offered the following resolution :

*Resolved*, That the Secretary of this Convention engross the report of the Committee of Thirteen as amended and adopted, and have the same printed in a body in the printed copies of the proceedings of the Convention, and that he be instructed to furnish each of our Senators and Representatives in Congress with a copy.

Mr. Davis, offered the following amendment thereto :

*Resolved*, That 5000 copies of the preamble and resolutions adopted by this Convention upon the subject of the relation of the State to the General Government, be printed under the superintendence of the Secretary, and that he be instructed to address a copy to each Senator and Representative in the Congress of the United States, and to transmit the remaining copies to the members of this Convention, and that he be allowed one week to perform the said service.

Which was lost.

The question then recurred on the adoption on the resolution offered by Mr. Clark, and decided in the affirmative.

Mr. Piner, moved that the Convention do now adjourn, *sine die*, which was adopted.

Whereupon, the President addressed the Convention, as follows :  
GENTLEMEN :

The very flattering resolution which I find on my desk this morning, renders doubly impressive to my mind, the solemnity of the present hour—the parting hour.

I regret exceedingly my want of language to express the emotions of my heart on the present occasion.

I most sincerely congratulate you upon the harmony which has characterized your deliberations, and especially upon their happy result. It has been, to me, a source of peculiar gratification, to find so many gentlemen of equal, if not superior ability, who have (during the few days past of my slight, but continued and increasing indisposition,) so promptly and so generously upon every call, divided with me the labors of the chair,—and for which, I beg they



will accept my most cordial thanks: and likewise, for the kind forbearance which has been extended towards me by each and every member of the Convention. I hereby tender to you my most unfeigned thanks, accompanied with my fondest hope for your speedy return to the bosom of your families and the society of your friends, and that you may be greeted by your constituents with the welcome plaudit, "well done good and faithful servants."

On leaving this chair, I bid adieu to all public service. I feel admonished that my race is well nigh run; and being satisfied that many younger gentlemen may be found of equal patriotic devotion, and superior ability to fill my place in the public service, I feel justified in claiming to be hereby honorably discharged; with an abiding assurance that I have "fought the good fight, and have kept the faith," and I now bid you an affectionate and a final farewell.

At the request of the President, the deliberations of the Convention were closed with prayer by the Reverend Mr. Butler of Monroe.

And the President adjourned the Convention *sine die*.

CORNELIUS CARMACK,  
*President.*

Atteste:

FLEMING E. SWANN, *Secretary.*

## PREAMBLE AND RESOLUTIONS

A 3

### ADOPTED BY THE CONVENTION.

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THE people of Mississippi in Convention assembled, as expressive of their deliberate judgment on the great questions involved in the sectional controversy between the slave holding and non-slave holding States of the American Union, adopt the following resolutions :

*1st. Resolved*, That, in the opinion of this Convention, the people of Mississippi, in a spirit of conciliation and compromise, have maturely considered the action of Congress, embracing a series of measures for the admission of California as a State into the Union, the organization of Territorial Governments for Utah and New Mexico, the establishment of the boundary between the latter and the State of Texas, the suppression of the Slave Trade in the District of Columbia, and the extradition of Fugitive Slaves ; and connected with them, the rejection of the proposition to exclude slavery from the Territories of the United States, and to abolish it in the District of Columbia ; and whilst they do not entirely approve, will abide by it as a permanent adjustment of this sectional controversy, so long as the same in all its features shall be faithfully adhered to and enforced.

*2d. Resolved*, That we perceive nothing in the above recited legislation of the Congress of the United States, which should be permitted to disturb the friendly and peaceful "existing relations between the Government of the United States and the Government and people of the State of Mississippi."

*3d. Therefore, Resolved*, That, in the opinion of this Convention, the people of the State of Mississippi will abide by the Union as it is, and by the Constitution of the United States without amendment—that they hold the Union secondary in importance only to the rights and principles it was designed to perpetuate ; that past associations, present fruition and future prospects will bind them to it so long as it continues to be the safeguard of those rights and principles.

*4th. Resolved, further*, That, in the opinion of this Convention, the asserted right of secession from the Union on the part of a State or States is utterly unsanctioned by the Federal Constitution, which was framed to "establish" and not to destroy the Union of the States, and that no secession, can, in fact, take place with-

out a subversion of the Union established, and which will not virtually amount in its effects and consequences to a civil revolution.

*5th. Resolved, further,* That, whilst in the opinion of this Convention, such are the sentiments and opinions of the people of the State of Mississippi, still, violations of the rights of the people of the State, may occur, which would amount to intolerable oppression, and would justify a resort to measures of resistance, amongst which, in the opinion of the Convention, the people of the State have designated the following :

1st. The interference by Congressional Legislation with the Institution of Slavery in the States.

2d. Interference with the trade in Slaves between the States.

3d. Any action of Congress on the subject of Slavery in the District of Columbia or in places subject to the jurisdiction of Congress, incompatible with the safety and domestic tranquillity—the rights and honor of the slave-holding States.

4th. The refusal by Congress to admit a new State into the Union on the ground of her tolerating slavery within her limits.

5th. The passage of any law by Congress prohibiting slavery in any of the territories.

6th. The Repeal of the Fugitive Slave Law, and the neglect or refusal by the General Government, to enforce the Constitutional provisions for the reclamation of Fugitive Slaves.

*6th. Resolved, further,* That, in the opinion of this Convention, the people in the recent elections have been governed by an abiding confidence that the said adjustment measures of Congress would be enforced in good faith in every section of the land.

*7th. Resolved, further,* That, as the people of the State of Mississippi, in the opinion of this Convention, desire all further agitation of the Slavery question to cease, and have acted upon and decided all the foregoing questions, thereby making it the duty of this Convention to pass no acts within the purview and spirit of the law under which it was called, this Convention deems it unnecessary to refer to the people for their approval or disapproval at the Ballot Box, its action in the premises.

*8th. Resolved,* That in the opinion of this Convention, without intending to call in question the motives of the members of the Legislature, the call of this Convention by the Legislature, at its late extraordinary session, was unauthorized by the people; and that said act, in peremptorily ordering a Convention of the people of the State, without first submitting to them the question whether there should be a Convention or no Convention, was an unwarranted assumption of power by the Legislature; at war with the spirit of republican institutions, an encroachment upon the rights of the people, and can never be rightfully invoked as a precedent.

Approved,

C. CARMACK,

ATTESTE :

*President of the Convention.*

FLEMING L. SWANN, *Secretary.*

## AN ACT

To provide for a Convention of the people of the  
State of Mississippi.

WHEREAS, the Legislation of the Congress of the United States, controlled, as it was, at its last session, by a dominant majority, regardless of the constitutional rights of the slave holding States, and reflecting the will of a section whose population are hostile in feelings and opposed in principle to a long established and cherished institution of this State and our sister States of the South, affords alarming evidence of a settled purpose on the part of said majority to destroy said institution and subvert the sovereign power of this and the other slave holding States : and whereas it is becoming and proper that a sovereign State should promptly resort to the most efficient means for the maintenance of its sovereignty and the preservation of its constitutional rights, as a member of the confederacy when assailed, by the exercise of the highest power recognised under our Republican form of Government : the expressed will of the sovereign people :—Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That an election for delegates to a convention of the people of the State of Mississippi, shall be held in the several counties thereof, on the first Monday and day following in the month of September, in the year eighteen hundred and fifty one, that said election shall be held at all the precincts established by law, and shall be managed and conducted by the sheriffs or other proper officers of the counties respectively, in the same manner and according to the same rules and regulations as are prescribed by law for the election of members of the Legislature : And it is hereby declared to be the duty of the Governor to issue his proclamation to the several sheriffs of the State, at least ninety days before the time appointed for holding said election, requiring them to hold and conduct the same according to law, and the said sheriffs shall advertise the time and place of holding said election for at least twenty days, by publishing the same in the several newspapers of their respective counties, and by posting notices at at least four public places in their counties.

SEC. 2. *Be it further enacted*, That each county shall be represented in said convention by the same number of delegates as such county has of representatives in the House of Representatives, including the representation of any city or town of any county.

SEC. 3. *Be it further enacted*, That no person, not a citizen of the State of Mississippi, who shall not at the time of said election have resided for twelve months previous thereto in the county, and shall not have attained the age of twenty five years, shall be eligible to a seat in the said convention.



SEC. 4. *Re it further enacted*, That it shall be the duty of the sheriff or other proper returning officer of each and every county, within twenty days after said election, to make a full and complete return to the Secretary of State, of the votes cast for delegates in his county; and the certificate of election of the returning officer of the proper county or of the Secretary of State, in favor of any delegate, shall be evidence of his right to a seat in said convention, subject, if contested, to decision by said convention in such manner as they may prescribe.

SEC. 5. *Be it further enacted*, That the delegates elected under the provisions of this act, shall assemble at the Capitol of the State, on the second Monday of November, A. D. eighteen hundred and fifty one, and organize themselves into a convention by the election of a President and such other officers as they may deem necessary, and the appointment of a suitable number of assistants, and shall proceed to consider the then existing relations between the Government of the United States and the Government and people of the State of Mississippi, to devise and carry into effect the best means of redress for the past, and obtain certain security for the future, and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions as shall appear to them to be demanded. Said convention shall adopt such rules and regulations for its government and for the proper transaction of business as they shall think proper. The officers, members and assistants of said convention shall receive the same compensation as is now allowed by law to the officers, members and assistants of the Legislature, and the Auditor of public accounts shall issue his warrant on the Treasury therefor, upon the certificate of the President, of the amount due.

SEC. 6. *Be it further enacted*, That in case of any vacancy occurring in said convention by the death, resignation or removal of any member, it shall be the duty of the Governor to cause such vacancy to be filled by issuing his writ of election to the sheriff of the proper county, requiring him, on ten days' notice, to hold an election according to law, to fill the same.

SEC. 7. *And be it further enacted*, That the acts of the convention proposed to be held by this act, before they become binding on this State, shall be submitted to the people at the ballot box for their approval or disapproval, at such time, and in such manner, as the Convention may determine.

JOHN J. McCREA,

*Speaker of the House of Representatives.*

JOHN I. GUION,

*President of the Senate.*

Approved November 30th, 1850.

J. A. QUITMAN.

# CONSTITUTION

## OF THE

# UNITED STATES OF AMERICA.

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*WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.*

### ARTICLE I.

**SECTION 1.** All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**SECTION 2.** The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free Persons, including those bound to Service for a term of years, and excluding Indians not taxed, three fifths of all other Persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by Law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole power of Impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first Election, they shall be divided as equally as may be into three classes. The Seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No Person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all Impeachments.— When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of Impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to Law.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such regulations, except as to the places of chusing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by Law appoint a different day.

SEC. 5. Each House shall be the Judge of the Elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attend-

ance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.

Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the consent of the other, adjourn for more than three days, nor at any other place than that in which the two Houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding an office under the United States, shall be a member of either House during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a Law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a Law.

Every order, resolution, or vote to which the concurrence of the



Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

**SEC. 8.** The Congress shall have power

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform rule of Naturalization, and uniform Laws on the subject of Bankruptcy throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish Post Offices and post Roads;

To promote the progress of science and useful arts, by securing for limited times to Authors and Inventors the exclusive right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high Seas, and offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a Navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful buildings;—And

To make all Laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto Law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of Commerce or Revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by Law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant Letters of Marque and Reprisal; coin money; emit bills of Credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto Law, or Law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing it's inspection Laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such Laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

SEC. 1. The executive power shall be vested in a President of the

United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

[\*The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner chuse the President. But in chusing the President, the votes shall be taken by States, the Representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice President.]

The Congress may determine the time of chusing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the case of removal, death, resignation, or

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\*This clause within brackets has been superseded and annulled by the 12th amendment.



inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following Oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.”

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive Departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting Commissions which shall expire at the end of their next Session.

SEC. 3. He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

SEC. 4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.



## ARTICLE III.

SEC. 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the Laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting Ambassadors, other public Ministers, and Consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States,—between citizens of the same State claiming Lands under Grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be party, the supreme Court shall have original jurisdiction. In all the other cases before mentioned, the supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of Impeachment, shall be by Jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by Law have directed.

SEC. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

## ARTICLE IV.

SEC. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general Laws prescribe the manner in which such acts, records and proceedings shall be provided, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the Laws thereof, escaping into another, shall, in consequence of any Law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them against Invasion, and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

## ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no Amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the Independence of the United States of America the twelfth. IN WITNESS whereof we have hereunto subscribed our names,

GEO. WASHINGTON,

*Presid't and deputy from Virginia.*

### NEW HAMPSHIRE.

JOHN LANGDON,

NICHOLAS GILMAN.

### MASSACHUSETTS.

NATHAN GORMAN,

RUFUS KING.

### CONNECTICUT.

WM. SAML. JOHNSON,

ROGER SHERMAN.

### NEW YORK.

ALEXANDER HAMILTON.

### NEW JERSEY.

WIL. LIVINGSTON,

DAVID BREARLEY,

WM. PATTERSON,

JONA. DAYTON.

### PENNSYLVANIA.

B. FRANKLIN,

THOMAS MIFFLIN,

ROBT. MORRIS,

GEO. CLYMER,

THOS. FITZSIMONS,

JARED INGERSOLL,

JAMES WILSON,

GOUV. MORRIS.

### DELAWARE.

GEO. READ,

GUNNING BEDFORD, JUN'r,

JOHN DICKINSON,

RICHARD BASSETT,

JACQ. BROOM.

## MARYLAND.

JAMES MCHENRY.  
DANL. CARROLL.

DAN. OF ST. THOS. JENIFER.

## VIRGINIA.

JOHN BLAIR,

JAMES MADISON, Jr.

## NORTH CAROLINA.

WM. BLOUNT,  
HU. WILLIAMSON.

RICH'D DOBBS SPAIGHT,

## SOUTH CAROLINA.

J. RUTLEDGE,  
CHARLES PINCKNEY.

CHARLES COTESWORTH PINCKNEY  
PIERCE BUTLER.

## GEORGIA.

WILLIAM FEW,

ABR. BALDWIN.

Attest :

WILLIAM JACKSON, *Secretary.*

The Constitution was adopted on the 17th September, 1787, by the Convention appointed in pursuance of the resolution of the Congress of the Confederation, of the 21st February, 1787, and was ratified by the Conventions of the several States, as follows, viz :

By Convention of Delaware,	on the 7th December, 1787.
" " Pennsylvania,	" 12th December, 1787.
" " New Jersey,	" 18th December, 1787.
" " Georgia,	" 2d January, 1788.
" " Connecticut,	" 9th January, 1788.
" " Massachusetts,	" 6th February, 1788.
" " Maryland,	" 28th April, 1788.
" " South Carolina,	" 23d May, 1788.
" " New Hampshire,	" 21st June, 1788.
" " Virginia,	" 26th June, 1788.
" " New York,	" 26th July, 1788.
" " North Carolina,	" 21st November, 1789.
" " Rhode Island,	" 29th May, 1790.



ARTICLES  
IN ADDITION TO, AND AMENDMENT OF,  
THE CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

*Proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.*

(ARTICLE I.)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise of; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE II.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

(ARTICLE III.)

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner prescribed by law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property,

without due process of law; nor shall private property be taken for public use, without just compensation.

#### (ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defence.

#### (ARTICLE VII.)

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

#### (ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### (ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### (ARTICLE X.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

#### (ARTICLE XI.)

The Judicial power of the United States shall not be construed to extend to any suit at law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

#### (ARTICLE XII.)

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct bal-

lots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

DEPARTMENT OF STATE, }

July 20th, 1846. }

This edition of the Constitution and amendments has been critically compared with the originals in this Department and found to be *correct*, in *text*, *letter* and *punctuation*. It may, therefore, be relied upon as a standard edition.

JAMES BUCHANAN,  
*Secretary of State.*

By the Secretary,  
N. P. TRIST, *Chief Clerk.*

*The following is prefixed to the first ten of the preceding amendments.*

## CONGRESS OF THE UNITED STATES,

Begun and held at the City of New York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine.

The Conventions of a number of the states, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution;

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* two thirds of both Houses concurring, That the following Articles be proposed to the Legislatures of the several states, as amendments to the Constitution of the United States, all, or any of which articles, when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes, as part of said Constitution; viz.

Articles in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states pursuant to the fifth article of the original Constitution.

The first ten amendments of the Constitution were ratified by the states as follows, viz:

- By New Jersey, 20th November, 1789.
- By Maryland, 19th December, 1789.
- By North Carolina, 22d December, 1789.
- By South Carolina, 19th January, 1790.
- By New Hampshire, 25th January, 1790.
- By Delaware, 28th January, 1790.
- By Pennsylvania, 10th March, 1790.
- By New York, 27th March, 1790.
- By Rhode Island, 15th June, 1790.
- By Vermont, 3d November, 1791.
- By Virginia, 15th December, 1791.



*The following is prefixed to the eleventh of the preceding amendments :*

### **THIRD CONGRESS OF THE UNITED STATES:**

*At the first session begun and held at the city of Philadelphia, in the State of Pennsylvania, on Monday the second of December, one thousand seven hundred and ninety-three.*

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, That the following Article be proposed to the Legislatures of the several states, as an amendment to the Constitution of the United States; which when ratified by three-fourths of the said Legislatures shall be valid as part of said Constitution, viz :*

*The following is prefixed to the twelfth of the preceding amendments :*

### **EIGHTH CONGRESS OF THE UNITED STATES:**

*At the first session, begun and held at the city of Washington, in the Territory of Columbia, on Monday the seventeenth of October, one thousand eight hundred and three.*

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, That in lieu of the third paragraph of the first section of the second article of the Constitution of the United States, the following be proposed as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of said Constitution, to-wit :*

The ten first of the preceding amendments were proposed at the first session of the first Congress, of the United States, 25 September, 1789, and were finally ratified by the constitutional number of states, on the 15th day of December, 1791. The eleventh amendment was proposed at the first session of the third Congress, 5 March, 1794, and was declared in a message from the President of the United States to both houses of Congress, dated 8th January, 1798, to have been adopted by the constitutional number of states. The twelfth amendment was proposed at the first session of the eighth Congress, 12 December, 1803, and was adopted by the constitutional number of states in 1804, according to a public notice thereof by the Secretary of State, dated 25th September, of the same year.

FAREWELL ADDRESS  
OF  
GEORGE WASHINGTON,  
PRESIDENT,  
TO THE  
PEOPLE OF THE UNITED STATES,  
SEPTEMBER 17, 1796.

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*Friends and Fellow-citizens:*

THE period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say, that I have with good intentions contributed towards the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes—perhaps still more in the eyes of others—has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonish me, more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious, vicissitudes of fortune often discouraging; in situations in which, not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare,

which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion,

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitute you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence—the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest.—Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of *American*, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest; here every portion of our



country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefitting by the agency of the North, sees its agriculture grow, and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in like intercourse with the West, already finds, and in the progressive improvement of interior communication, by land and water, will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government; which their own rivalry alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those over-grown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were

criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western: whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien from each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them, of a policy in the General Government, and in the Atlantic States, unfriendly to their interests in regard to the Mississippi: they have been witnesses to the formation of two treaties—that with Great Britain, and that with Spain, which secure to them every thing they could desire in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a Government for the whole is indispensable. No alliance, however strict between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all time, have experienced. Sensible to this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns, This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquies-

cence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems, is the right of the people to make and to alter their constitutions of Government: but the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish Government, pre-supposes the duty of every individual to obey the established Government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive to this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common counsels, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of Government; destroying, afterwards, the very engines which had lifted them to unjust dominion.

Towards the preservation of your Government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexs. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a Government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a Government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the Government is too feeble to withstand the enterprises of faction, to confine each member of the society within



the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes, in all Governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to any extremity of this kind, (which, nevertheless, ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself, through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties, in free countries, are useful checks upon the administration of the Government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in Governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free



country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of Government, a real despotism. A just estimate of that love of power, and proneness to abuse it which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal, against invasions by the others, has been evinced by experiments, ancient and modern ; some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation ; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free Governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice ? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true, that virtue or morality is a necessary spring of popular Government. The rule, indeed, extends with more or less force to every species of free Government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric ?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a Government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish

public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned; not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised, which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures of obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection; either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the

national propensity, and adopts, through passion, what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation to another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray, or sacrifice the interest of their own country, without odium; sometimes even with popularity; gilding with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the art of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican Government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil, and even second, the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.



Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the cause of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance ; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected ; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation ; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation ? Why quit our own to stand upon foreign ground ? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice ?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world ; so far, I mean, as we are now at liberty to do it ; for let me not be understood as capable of patronising infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand ; neither seeking nor granting exclusive favors or preferences ; consulting the natural course of things ; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing ; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinions will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate ; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another : that it must pay, with a portion of its independence, for whatever it may accept under that character ; that by such acceptance it may



place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon, real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigues, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records, and other evidences of my conduct, must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index of my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest, for observing that conduct, will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and

consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error; I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope, that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate, with pleasing expectation, that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free Government—the ever favorite object of my heart—and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

UNITED STATES, 17th September, 1796.



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